



Department of Justice  
Canada

Ministère de la Justice  
Canada

FOR INFORMATION  
NUMERO DU DOSSIER/FILE #: 2016-006198  
COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: SECRET

**TITRE/TITLE: Meeting with Assembly of First Nations, April 6, 2016**

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- You will be meeting with the Assembly of First Nations (AFN) on April 6, 2016, at 3:00 p.m. in the East Memorial Building.
- In a memorandum dated March 10, 2016 (Annex 1), the AFN provided their perspective and recommendations for numerous policy areas within the Department of Justice's mandate, largely focused in two areas: litigation strategy and legislative review.
- It is expected that the AFN will seek a discussion on cooperation and how First Nations individuals could be part of joint processes to settle litigation matters and to review the criminal justice system (CJS).
- You may be asked to discuss and explore what role the leadership of the AFN could play in the roundtable discussion and/or longer-term advisory council for the CJS review.
- [Redacted]

s.69(1)(g) re (a)

s.69(1)(g) re (c)

s.69(1)(g) re (e)

Soumis par (secteur)/Submitted by (Sector):

Policy Sector

Responsable dans l'équipe du SM/Lead in the DM Team:

Adam Garskey / Claudine Patry

Revue dans l'ULM par/Edited in the MLU by:

Mariane Picard

Soumis au CM/Submitted to MO: April 4, 2016



Department of Justice  
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FOR INFORMATION

2016-006198

## MEMORANDUM FOR THE MINISTER

### Meeting with Assembly of First Nations, April 5, 2016

#### ISSUE

You will be meeting with the Assembly of First Nations (AFN) on April 5, 2016, at 3:00 p.m. in the East Memorial Building.

#### BACKGROUND

In a memorandum dated March 10, 2016 (Annex 1), the AFN provided their perspective and recommendations for numerous policy areas within your mandate, largely focused in two areas: litigation strategy and legislative review.

##### *Litigation strategy*

As part of the strategy, the AFN memorandum highlights a possible role for the AFN to persuade Justice Canada to “reconsider the manner in which it approaches land claims and the assertion of Aboriginal and Treaty rights.” The memo also provides a summary of litigation costs since 2008.

Further, the AFN memo suggests that “rather than fighting First Nations, the federal government should work with the First Nations and settle (litigation) matters through cooperation and joint processes, (which would be) more consistent with the nation-to-nation relationship.”

##### *Legislative review*

The AFN memo presents key statistics with respect to legislative impacts on the individual and collective rights of First Nations over the past 10 years, and remarks on your mandate to address some of these legislative changes. In addition to several amendments to the *Indian Act*, the memo also provides examples of notable legislative enactments with substantial impact on First Nations individuals and communities, including:

- *First Nations Election Act;*
- *Safe Drinking Water for First Nations Act;*
- *Family Homes on Reserve and Matrimonial Interest or Rights Act; and,*
- *Abolition of Early Parole Act, Safe Streets and Community Act, and the Canadian Victims' Bill of Rights.*

Their memorandum concluded with a recommendation that you advocate for a joint process to enact legislative changes to address First Nations people in the criminal justice system, with the inclusion of First Nations individuals on an ‘oversight committee,’ should one be established.

## CONSIDERATIONS

### *Criminal justice system review*

Work is underway on the criminal justice system (CJS) review, which will address multiple mandate letter priorities, including those of the Minister of Public Safety and Emergency Preparedness. The CJS review will be informed by evidence-based policies, collaboration and consultations with key stakeholders, and feedback from Canadians.

You have been recently briefed on an overall strategy for this work, including the development of revised principles and objectives and identification of priority law reforms. The Department of Justice is exploring the possibility of a one-day roundtable discussion with key stakeholders as well as the establishment of an advisory council to inform and support the work of the CJS review. You may wish to consider what role the leadership of the AFN could play in the roundtable discussion or longer-term advisory council.

Justice Canada continues to work on this initiative and supports conversations with FPT officials to ensure progress on this commitment. Of note, the Coordinating Committee of Senior Officials (CCSO) will take place between April 11 and April 15, 2016, in Banff. Senior federal, provincial and territorial officials will meet to discuss current and future work in numerous policy areas, including: cybercrime, high risk offenders, criminal procedure, sentencing, and organized crime.

### *Nation-to-Nation relationship*

The Government of Canada, including Justice Canada, is committed to supporting a renewed relationship with Indigenous people, through reconciliation, consistent with a nation-to-nation relationship. The work for this initiative is still in its early days and includes a collaborative approach with ministers from several government departments.

s.69(1)(g) re (a)  
s.69(1)(g) re (c)



### *Litigation strategy*

Justice Canada is reviewing Canada's litigation strategy with a view to making early decisions to end appeals or positions that are not consistent with our commitments, the Charter, or this Government's values. The Department has already discontinued a number of appeals and is reconsidering the Crown's position in others.

In briefing material prepared for your meeting with the British Columbia Assembly of First Nations on March 29, 2016, Justice Canada officials echoed some of the litigation milestones noted in the AFN memo (Annex 2). Some of these key milestones include not appealing the

Canadian Human Rights Tribunal's findings, adjournment of *Anderson (Newfoundland and Labrador Schools)*, and the seeking of extensions to enable further discussions with First Nations in order to explore common ground, i.e., in *Chief Steve Courtoeille (Mikisew Cree)* and *Tsleil-Waututh Nation*.

In light of the Government's commitment to a renewed nation-to-nation relationship founded on recognition of rights, respect, cooperation and partnership, it is clear that going forward the ministers of Natural Resources, Environment and Climate Change, Indigenous and Northern Affairs and Justice—and their officials—will need to consider how best to approach complex projects relating to Indigenous issues in a more strategic fashion over the short and longer term. The AFN may wish to explore the ways in which ministers will work closely with the First Nations to settle legal matters in the coming years.

## CONCLUSION

The AFN has requested a meeting with you to discuss what opportunities exist to engage with Indigenous individuals and communities across Canada, to help inform you about policy directions related to the criminal justice system and the management of litigation. A more cooperative and collaborative relationship with First Nations communities is likely to feature prominently in your discussion. The Department continues to refine and advance its Aboriginal litigation strategy and its review of the criminal justice system.

## ANNEXES [2]

Annex 1: AFN Briefing Note to Chief of Staff, March 10, 2016  
Annex 2: Memorandum for the Minister: Meeting with the BC AFN, March 29, 2016  
(2016-006137)

## PREPARED BY

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## BRIEFING NOTE TO THE CHIEF OF STAFF

BN-LEGAL-16-145

DATE: March 10, 2016

SUBJECT: Justice Canada – Mandate for Legal Strategy and Legislative Review

### PURPOSE:

To provide the Chief of Staff with background information on legislative initiatives implemented by the previous federal government that is now the subject of the Minister of Justice's mandate for a legal strategy and legislative review.

### CURRENT STATUS:

On November 13, 2015, the Prime Minister gave Justice Minister Wilson-Raybould a broad mandate to review the federal government's litigation strategy in relation to cases the Conservatives began during their tenure in power. In addition, Minister of Justice is to review legislation of the previous government in an effort to repeal the prior government's problematic criminal justice legislation.

The relevant portions of the mandate are as follows:

- Develop an inquiry into murdered and missing Indigenous women and girls in Canada.
- Review the government's litigation strategy, including decisions to end appeals or positions that are not consistent with current commitments or the Charter.
- Assess changes to the criminal justice system and sentencing reforms over the past decade, addressing gaps and align with the liberal government's objectives of the criminal justice system. Outcomes should include increased use of restorative justice processes and other initiatives to reduce the rate of incarceration amongst Indigenous Canadians.
- Implement recommendations from the inquest into the death of Ashley Smith regarding the restriction of the use of solitary confinement and the treatment of those with mental illness.
- Address gaps in services to Aboriginal people and those with mental illness throughout the criminal justice system.
- Modernization efforts to improve the efficiency and effectiveness of the criminal justice system, in cooperation with provinces and territories, including efficiencies in information technology, sentencing alternatives, bail reform, and the creation of a unified family court.
- Restore the Court Challenges Program.

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- Repeal key elements of Bill C-51, and introduce new legislation that strengthens accountability with respect to national security and balances security with charter rights.
- Repeal key elements of Bill C-42 and implement our commitment to reduce the number of handguns and assault weapons on our streets.
- Toughen criminal laws and bail conditions in cases of domestic assault.

#### Litigation Strategy

The Minister of Justice has begun to implement the mandate set out by the Prime Minister. The federal government has withdrawn their court appeals in relation to: permitting niqabs during citizenship ceremonies; the granting Omar Khadr's bail; and the elimination of health care services to some refugees. The federal government has also decided not to appeal the recent Canadian Human Rights Tribunal decision on First Nation child welfare.

As part of the strategy, the AFN may wish to persuade Justice Canada to reconsider the manner in which it approaches land claims and the assertion of Aboriginal and Treaty rights. The Government of Canada spends a significant amount of money fighting First Nations in court, as confirmed in INAC's submissions to Canada's public accounts report. According to INAC's public account submissions, throughout 2008-2014 the department has spent \$647 million dollars fighting Aboriginal claims as follows:

2008	M \$46.7	2012	M \$110.1
2009	M \$77.9	2013	M \$106.1
2010	M \$87.5	2014	M \$105.8
2011	M \$112.9		

Indigenous Affairs spends more money on litigation than any other department in the federal government. Canada continues to challenge Aboriginal and Treaty Rights, Aboriginal title cases, self-government outside the inherent rights policy, underfunding of services, health care challenges, membership in First Nation communities, etc. Rather than fighting First Nations, the federal government should work with First Nations and settle these matters through cooperation and joint processes. This would be more consistent with the nation-to-nation relationship.

For example, in the United States the federal government regularly initiates lawsuits on behalf of American tribal governments for an array of issues including, environmental protection, civil rights and natural resource rights. This practice may be beneficial to many First Nation Governments where Canada plays a supportive or amicus curiae role for First Nations.

As for mainstream reforms, it is expected that the new government will also review the manner in which it litigates lost cause cases. In recent years, the Conservatives have spent more than \$4.7 million fighting 15 losing court cases, including more than \$1 million on tough-on-crime measures. The most expensive was the Conservatives defense of the failed gun mandatory

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minimum sentences, which totaled \$1,076,992. Other notable cases are:

- \$1,062,187 disputing health care coverage for refugee claimants
- \$626,681 on two cases against Omar Khadr.
- \$426,529 on Vancouver's safe-injection site,
- \$852,911 to fight an allegation it unlawfully withdrew diplomatic services from Ronald Smith, a Canadian on death row in Montana.
- \$332,771 trying to force lawyers to disclose client information to Financial Transactions and Reports Analysis Centre of Canada.

During their decade in power, the Conservatives amended the *Criminal Code of Canada* to add roughly 60 mandatory minimum sentences, many of which are for drug, gun and sexual offences. Several mandatory minimum cases have been successfully challenged by offenders.

#### Legislative Review

During the Conservative government's 10 years in power, a number of legislative enactments that impact First Nation collective and individual rights have been passed into law. The new Liberal government is set to reverse controversial laws passed by the previous conservative government.

Bill S-6 First Nations Election Act, Bill S-8- Safe Drinking Water for First Nations Act, Bill S-2- Family Homes on Reserve and Matrimonial Interests or Rights Act, Bill C-428 Indian Act Amendment and Replacement Act, Bill S-207- An Act to Amend the Interpretation Act, and Bill S-212- First Nations Self Government Recognition Act were all passed with little or no consultation with First Nations governments or organizations.

The federal government will be required to revisit the membership provisions under the *Indian Act* as a result of *Descheneaux v. Canada (Procureur Général)*. Despite several amendments to the Indian Act, the latest in 2010 was found by the Quebec Superior Court to be discriminatory against women and their descendants on the issue of registration or "Indian status." The federal government has until January 2017 to amend the discriminatory provisions before they are declared invalid as an unjustifiable breach of the right to equality guaranteed by section 15 of the Charter.

The Conservative government also passed a significant amount of legislation in implementing its tough on crime platform. These include:

- a) Bill C-59 - the abolition of early parole Act for non-violent offenders.
- b) Bill C-48 - ending sentence reductions for offenders convicted of murder, where offenders would have to wait the full 25 years before being eligible for parole. Those serving sentences for multiple murders, would serve each sentence after another. For instance, if someone is convicted of two first degree murder charges, the individual would serve 50 years before the possibility of parole.

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- c) Bill C-10 – Under the Safe Streets and Communities Act the pardon system was replaced with “record suspensions”, and mandatory minimum sentences for sexual offences and mandatory minimum penalties for certain drug offences were instituted. In addition, Judges discretion over sentencing house arrest was restricted and immigration officers were authorized to deny work permits to foreigners who are at risk of being sexually exploited. Canadians were enabled to sue state sponsors of terrorism for losses.
- d) Bill C-32 - victim's Bill of right was established. The Bill imposed monetary restitution for victims when applicable and victims would be provided with up-to-date photographs of offenders upon release. The Bill also changed section 718.2 (e) of the Criminal Code that requires judges to use “all available sanctions, other than imprisonment, that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.” Judges are now to consider “the harm done to victims or to the community.”
- e) Bill C-54 – amended the criminal code to address individuals who are “not criminally responsible” as a result of mental illness. Offenders who are found high risk would only be allowed a review every three years, as opposed to annually.
- f) Bill C-13 - the Protecting Canadian from Online Crime Act created criminal offences for cyber-bullying, online exploitation and harassment. Expands the power of various government officials to monitor cellphones and other electronic data.

The conservative government’s “tough on crime” agenda, combined with budget cuts, has not made our streets or communities any safer. Under the Harper government, prisons and jails in Canada have become increasingly overcrowded and dangerous places for the prisoners. The majority of prisoners in provincial custody are being held on remand awaiting their trials and federal inmates are being kept in custody long past their eligibility dates for release under more rigorous conditions, creating stress and frustration.

At the federal level, the incarcerated population increased by 14 percent between 2005 and 2015. Increases were especially evident for women, Aboriginal peoples, and Black people. The number of Aboriginal prisoners increased 52 percent while the number of non-Aboriginal prisoners increased 5 percent.

The Minister of Justice has also been mandated to address Bill C-51, the *Anti-terrorism Act*. The Prime Minister's mandate letter calls for the repeal of the law's “key elements.” The core of C-51 relates to the Canadian Security Intelligence Service's power to take “measures” to “reduce” any threats to Canada. The most continuous provision in C-51 is the warrant proceedings, which are held in secret and the target of the requested warrant is not represented. These proceedings run the risk of wrongly penalizing an innocent person contrary to the Charter of Rights and Freedoms.

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To protect the RCMP, the conservative government retroactively made amendments to the *Access to Information Act* to protect the RCMP from facing any criminal charges.

The Federal government commitment to limit solitary confinement in jails will likely require legislation to implement. Solitary confinement practices can lead to serious problems and has a devastating where solitary confinement is prolonged. The negative effects of long-term solitary confinement include psychosis, insomnia, hallucinations, mental illness and it is a factor in prison suicide. International bodies, including the UN Special Rapporteur on Torture have concluded that prolonged or indefinite solitary confinement can amount to torture.

Bill C-24 - *Strengthening the Canada Citizenship Act* is another conservative piece of legislation that is problematic in that it increases in the amount of time applicants must live in Canada (four out of six years). The Bill permits the government to strip the citizenship of individuals who are convicted of a "terrorism offence" and other criminal offenses.

In relation to the environment, Bill C-38 effectively repealed and replaced the Canadian Environmental Assessment Act with a new act. "Environmental effects" under the new CEAA will be limited to effects on fish, aquatic species under the Species at Risk Act, migratory birds. An assessment of impacts is now limited to federal lands, Aboriginal peoples, and changes to the environment "directly linked or necessarily incidental" to federal approval.

Furthermore, Bill C-45 contains amendments to the *Navigable Waters Protection Act* and the *Fisheries Act*. The amendments to the *Navigable Waters Protection Act* removed federal oversight from most of the lakes and rivers in Canada. The government will not need to take into account First Nations rights, title, perspectives or interests in relation to projects that are covered under the legislation.

#### KEY ISSUES/ANALYSIS:

Minister Wilson-Raybould is to review all changes to the criminal justice system under the former Stephen Harper government with particular attention paid to the use of restorative justice programs geared towards Indigenous people according to his mandate letter issued Friday afternoon.

There have been numerous studies, commissions and justice inquiries across Canada to address Aboriginal overrepresentation in the criminal justice system. All work in the area confirm that Aboriginal peoples experience disproportionately high rates of crime and victimization, are overrepresented in the court and the correctional system, and are subject to overt and systemic racism by all levels of justice officials.

Aboriginal people often experience some of the following problems with respect to the criminal justice system:

- Aboriginal accused are more likely to be denied bail;
- more time is spent in pre-trial detention by Aboriginal people;

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- Aboriginal accused are more likely to be charged with multiple offences, and often for crimes against the system;
- Aboriginal people are more likely not to have legal representation at court proceedings;
- Aboriginal clients, especially in northern communities where the court party flies in the day of the hearing, spend less time with their lawyers;
- as court schedules in remote areas are poorly planned, judges may have limited time to spend in the community;
- Aboriginal offenders are more than twice as likely to be incarcerated than non-Aboriginal offenders;
- Aboriginal Elders, who are also spiritual leaders, are not given the same status as prison priests and chaplains, in all institutions, and
- Aboriginal people often plead guilty because they are intimidated by the court and simply want to get the proceedings over with

The above list points to a system that is broken and will require wholesale reforms. While restorative justice is a welcome change, it will not alleviate the overrepresentation of Aboriginal offenders.

**RECOMMENDATIONS:**

The AFN should advocate for a joint process to enact legislative changes to address First Nation people in the criminal justice system. If new legislation is to be enacted in a positive, meaningful manner, it will require an oversight committee composed of First Nation individuals.

**ATTACHMENTS:**

None



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## MEMORANDUM FOR THE MINISTER

### Meeting with the British Columbia Assembly of First Nations

#### ISSUE

You will be meeting with the British Columbia Assembly of First Nations (BC AFN) on March 29, 2016. The meeting will focus on four issues: 1) the national inquiry into missing and murdered Indigenous women and girls (MMIWG); 2) the *Williams Lake Specific Claims* decision; 3) the 2016 Federal Budget; and 4) the overall relationship and engagement with Indigenous peoples.

#### CONSIDERATIONS

##### *National inquiry into missing and murdered Indigenous women and girls*

The Truth and Reconciliation Commission Final Report called upon the federal government, in consultation with Aboriginal organizations, to appoint an inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls.

BC AFN Regional Chief Gottfriedson is a member of the British Columbia-based Coalition on MMIWG that came together over concerns regarding lack of progress on the recommendations from the Missing Women Commission of Inquiry (i.e., the Oppal Inquiry).

The National Assembly of First Nations (AFN) chiefs called for the inquiry to be established in accordance with the federal *Inquiries Act* to ensure full powers to compel the provision of evidence and appearance of witnesses and to include the child welfare system, policing approaches to investigations of MMIWG, and full consideration of root causes. The AFN held an additional meeting in February 2016 to inform its views on the design of the inquiry and provided additional feedback from participants to the government. They also recommended that results coming out of the inquiry must be accompanied by a full implementation plan: something that was absent from the Royal Commission on Aboriginal Peoples, for example.

In response to these calls for action, the Government of Canada, led by yourself and the ministers of Health and Status of Women, conducted meetings across Canada with the families of missing and murdered Indigenous women and girls, other Indigenous peoples, national Aboriginal organizations, and various stakeholders in order to hear their views on the design and objectives of the inquiry. Approximately 2,000 individuals shared their views regarding the structure of the inquiry by attending one of the 18 meetings held across Canada. Others shared their views and experiences online. The last pre-meeting was held on February 15, 2016.

### *Williams Lake specific claims decision*

On February 29, 2016, the Federal Court of Appeal (FCA) allowed Canada's application for judicial review and set aside the decision of the Specific Claims Tribunal (Tribunal) in *Williams Lake Indian Band v. HMTQ*. The FCA noted this was a case where it was appropriate for the FCA to substitute its decision in place of the decision of the Tribunal. The Band has 60 days to file an application for leave to appeal to the Supreme Court of Canada.

The Tribunal held as facts that the Indian Reserve Commissioner O'Reilly allotted significantly more reserve land than the colonial government had recommended. And, instead of relying on the province of British Columbia to provide all the lands for the Band's reserves, Canada had purchased sizeable lands for allotment as the Band's reserves. Moreover, the Chief of the Band had advised in 1881 that he was satisfied by these actions and was thankful the land question was settled. However, despite these facts, the Tribunal held that these actions did not remedy the breaches of legal obligations that occurred.

The FCA found that the Tribunal "proceeded upon a flawed principle and reached an unreasonable conclusion based on the facts of this case. Canada was required to act honourably in resolving the long-outstanding challenges of the Band and the evidence shows that Canada and the Commissioner did so...". The FCA noted that Canada's fiduciary duty did not require it to purchase land to create a reserve for the Band and that Canada acquired the land to remedy a situation that it had not created and which was unlikely to be redressed by the province in a timely manner.

### *2016 Federal Budget*

Budget 2016 proposes to invest \$8.4 billion over five years, beginning in 2016–17, to improve the socio-economic conditions of Indigenous peoples and their communities and bring about transformational change. This represents a significant increase over the investments that would have been made under the Kelowna Accord. The unprecedented scale of this investment underscores the Government's intent to renew the relationship between Canada and Indigenous peoples.

<b>A Better Future for Indigenous Peoples</b>						
(in \$ millions)	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>	<b>Total</b>
<b>Rebuilding the Relationship</b>	36	40	20	20	20	136
<b>Education, Children and Training</b>	460	774	806	993	1187	4,220
<b>Social Infrastructure</b>	503	607	53	36	20	1,219
<b>Green Infrastructure</b>	311	418	498	504	511	2,242
<b>Other Initiatives</b>	218	202	44	46	47	557
<b>Total</b>	<b>1,528</b>	<b>2,041</b>	<b>1,422</b>	<b>1,600</b>	<b>1,784</b>	<b>8,374</b>

*Note: Totals may not add due to rounding*

The following 2016 Budget highlights may be of interest to the BC AFN:

- \$40 million over two years toward the National Inquiry into Missing and Murdered Indigenous Women and Girls;
- \$20 million over two years to strengthen the First Nations Finance Authority's capital base;

- \$33.1 million to Fisheries and Oceans Canada to extend the Atlantic and Pacific Integrated Commercial Fisheries Initiatives.

#### *Overall relationship and engagement with Indigenous peoples*

The Government has made important commitments to renew its relationship with Indigenous peoples. This commitment will need to play out across government operations and form the basis for policy renewal wherever changes intersect with Indigenous interests. The work for this initiative is still in its early days.

The Department of Justice has advised that a renewed nation-to-nation relationship is a political goal, but it reflects a history of Crown/Indigenous relations. Nation-to-nation relations are not a revolutionary break with Canada's legal and constitutional order, but an evolution closer to the promise of section 35 of Canada's Constitution, as outlined in jurisprudence from the Supreme Court of Canada. Its aim is based on respect, cooperation, and partnership. To support a more inclusive vision of our society, the Department of Justice is proposing a generous, purposive reading of section 35 based on the honour of the Crown, and inspired by international norms and standards. A purposive reading will allow the federal government to fulfill its legal duties, and allow for ways to actively manage the Crown's side of its relationship with Indigenous peoples by being proactive, flexible, and integrated in the way it approaches mutual issues.



s.69(1)(g) re (a)

s.69(1)(g) re (c)

#### **CONCLUSION**

The Government is working diligently and making concrete strides on all of these important issues. The 2016 Budget announcement of \$8.4 billion over the next five years to improve the socio-economic conditions of Indigenous peoples and their communities, including \$40 million over two years for the National Inquiry into MMIWG, is evidence of the Government's commitment to improving its relationship with Indigenous peoples.

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TITRE/TITLE: Meeting with Inuit Tapiriit Kanatami

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- This note is to provide you with information for your meeting with the President and the Executive Director of the Inuit Tapiriit Kanatami (ITK) on April 6, 2016, at 9:00 a.m. in the East Memorial Building.
- The meeting will focus on six issues: 1) the ITK's new strategic plan; 2) the Inuit-to-Crown relationship; 3) the national inquiry into missing and murdered Indigenous women and girls (MMIWG); 4) the review of changes in our criminal justice system and sentencing reforms; 5) the Government's platform commitment to toughen criminal laws and bail conditions in cases of domestic assault; and 6) addressing the gaps in services to Aboriginal people throughout the criminal justice system.

Soumis par (secteur)/Submitted by (Sector):

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## MEMORANDUM FOR THE MINISTER

### Meeting with the Inuit Tapiriit Kanatami

#### ISSUE

This note is to provide you with information for your meeting with the President and the Executive Director of the Inuit Tapiriit Kanatami (ITK) on April 6, 2016, at 9:00 a.m. in the East Memorial Building.

The meeting will focus on six issues: 1) the ITK's new strategic plan; 2) the Inuit-to-Crown relationship; 3) the national inquiry into missing and murdered Indigenous women and girls (MMIWG); 4) the review of changes in our criminal justice system and sentencing reforms; 5) the Government's platform commitment to toughen criminal laws and bail conditions in cases of domestic assault; and 6) addressing the gaps in services to Aboriginal people throughout the criminal justice system.

#### BACKGROUND

The Inuit Tapiriit Kanatami ("Inuit United with Canada") is a nonprofit organization that represents over 50,400 Inuit, living in four regions of Canada: Nunatsiavut (Labrador), Nunavik (Northern Quebec), Nunavut, and the Inuvialuit Settlement Region of the Northwest Territories/Yukon. Its headquarters are in Ottawa.

The organization represents the Inuit in matters with the Government of Canada, and advocates publicly on the population's behalf. Another key aim of the organization is to preserve Inuit culture and Inuktitut (the Inuit language).

Biographical notes for the President, Natan Obed, and for the Executive Director, Elizabeth Ford, are attached at Annex 1.

#### CONSIDERATIONS

##### *ITK's new strategic plan*

The President would like to provide information to you on the organization's new strategic plan, which defines seven objectives that will form the foundation of its work over the next three years:

1. Take action to prevent suicide among Inuit
2. Improve access to appropriate and affordable housing in Inuit Nunangat
3. Work toward reconciliation
4. Support Inuit self-determination in education
5. Protect the Inuit Nunangat environment

6. Strengthen Inuit self-determination in research
7. Enhance the health and wellbeing of Inuit families and communities

Copy of the ITK's Strategy and Action Plan 2016-2019 is attached at Annex 2.

#### ***Inuit-to-Crown relationship***

The President of the ITK wrote to the Prime Minister on February 10, 2016, regarding a renewed Inuit-to-Crown partnership. His letter speaks of creating a bilateral, Cabinet-level body with designated Inuit leaders to identify and undertake necessary work in defined timelines. The President's letter suggests that the Prime Minister expressed some willingness to consider this idea. The letter and an appendix outlining this initiative are attached at Annex 3.

The Department of Justice has advised that a renewed nation-to-nation relationship is a political goal, but it reflects a history of Crown/Indigenous relations. Nation-to-nation relations are not a revolutionary break with Canada's legal and constitutional order, but an evolution closer to the promise of section 35 of Canada's Constitution, as outlined in jurisprudence from the Supreme Court of Canada. Its aim is based on respect, cooperation, and partnership. To support a more inclusive vision of our society, the Department of Justice is proposing a generous, purposive reading of section 35 based on the honour of the Crown, and inspired by international norms and standards. A purposive reading will allow the federal government to fulfill its legal duties, and allow for ways to actively manage the Crown's side of its relationship with Indigenous peoples by being proactive, flexible, and integrated in the way it approaches mutual issues.

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s.69(1)(g) re (c)



#### ***National inquiry into missing and murdered Indigenous women and girls***

As you know, in response to calls for action on a national inquiry MMIWG, the Government of Canada, led by yourself and the Ministers of Indigenous and Northern Affairs and Status of Women, conducted meetings across Canada with the families of MMIWG, other Indigenous peoples, national Aboriginal organizations, the provinces and territories, and various stakeholders in order to hear their views on the design and objectives of the inquiry. Justice officials continue to work closely with colleagues at Indigenous and Northern Affairs Canada and Status of Women Canada on developing options for consideration with respect to an inquiry.

Specifically related to ITK, you will find at Annex 4 a report by Pauktuutit Inuit Women of Canada. ITK was involved in this document. It contains specific recommendations for how to

structure the national inquiry to address Inuit concerns. ITK has repeatedly said that the inquiry needs to examine the unique needs of the North and identify Inuit-specific solutions. ITK and Tungasuvvingat Inuit worked together to hold their own consultations in seven cities and their recommendations are expected shortly.

#### ***Review of changes in our criminal justice system and sentencing reforms***

The criminal justice system review will be evidence and principles based. Input and feedback from partners across the criminal justice system and beyond, reflecting a diversity of perspectives, will be critical to the review's success. A set of briefing materials on this topic is provided at Annex 5.

#### ***Platform commitment to toughen criminal laws and bail conditions***

The Department is in the process of reviewing case law and research relevant to domestic violence, in consultation with provincial-territorial colleagues. It is currently developing legislative reform options to implement the Government's domestic violence related platform commitments. A set of briefing materials on this topic is provided at Annex 6.

#### ***Addressing the gaps in services to Aboriginal People throughout the criminal justice system***

Aboriginal people are overrepresented in the criminal justice system. From 2003-04 to 2012-13, the Aboriginal incarcerated population under federal jurisdiction increased by 47.2%.<sup>1</sup> Aboriginal people represent only 4.3% of the general population, but in 2013-2014, they represented 20% of those in federal correctional custody and 26% of the provincial/territorial custody population.<sup>2</sup> For Aboriginal women, the numbers are even higher. In 2010/2011, 41% of all provincial female admissions to sentenced custody were Aboriginal.<sup>3</sup> In the federal system, at the end of 2013-14, Aboriginal women represented 34% of all federally-incarcerated women.<sup>4</sup> Since coming into force in 2003, the *Youth Criminal Justice Act* and related policies have been effective at reducing absolute numbers of youth offenders sentenced to custody. However, Indigenous youth continue to be significantly overrepresented in the youth criminal justice system.

The Government of Canada carries out several community-driven health and wellness programs that address First Nations, Inuit, and Métis priorities, including mental wellness, public health, and early childhood development. Justice Canada's approaches to address the overrepresentation of Indigenous people, as accused, victims and offenders, in the criminal justice system can be leveraged, working with federal-provincial-territorial partners and Indigenous communities.

The Aboriginal Justice Strategy (AJS) supports Indigenous community-based justice programs that offer alternatives to mainstream justice processes in appropriate circumstances. It is designed to decrease the rates of victimization, crime, and incarceration among Aboriginal people in communities with AJS programs; to assist Aboriginal people in assuming greater responsibility for the administration of justice in their communities; and to reflect and include Aboriginal values within the justice system.

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<sup>1</sup> Corrections and Conditional Release Statistical Overview, 2013

<sup>2</sup> Juristat, *Adult correctional statistics in Canada*, 2013/2014

<sup>3</sup> Juristat, *Adult correctional statistics in Canada*, 2010/2011

<sup>4</sup> Corrections and Conditional Release Statistical Overview, 2013

The AJS is a national strategy with community justice programs in all 13 provinces and territories. The AJS which is cost-shared with provinces and territories, currently funds approximately 225 community-based justice programs that serve over 750 communities<sup>5</sup> including Inuit communities in Nunavut and Nunavik.

With regard to Nunavut, and in partnership with the territorial government, AJS supports 25 Community Justice Programs. Through the capacity-building fund, the AJS has been supporting the development and implementation of a Family Group Conferencing approach to community justice programs and clients in Nunavut. The Family Group Conferencing model involves the family in working together to make a more comprehensive plan, so clients are not isolated and have support from multiple sources. Nunavut has modified training tools to reflect more closely the values and culture in Nunavut, and training has been carried out across the territory, with the result that Nunavut community justice programs are now beginning to provide Family Group Conferencing services.

Finally, it can be helpful to point out that Budget 2016 proposes to invest \$8.4 billion over five years, beginning in 2016-17, to improve the socio-economic conditions of Indigenous peoples and their communities and bring about transformational change. This represents a significant increase over the investments that would have been made under the Kelowna Accord. The unprecedented scale of this investment underscores the Government's intent to renew the relationship between Canada and Indigenous peoples.

A Better Future for Indigenous Peoples						
(in \$ millions)	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	Total
<b>Rebuilding the Relationship</b>	36	40	20	20	20	136
<b>Education, Children and Training</b>	460	774	806	993	1187	4,220
<b>Social Infrastructure</b>	503	607	53	36	20	1,219
<b>Green Infrastructure</b>	311	418	498	504	511	2,242
<b>Other Initiatives</b>	218	202	44	46	47	557
<b>Total</b>	<b>1,528</b>	<b>2,041</b>	<b>1,422</b>	<b>1,600</b>	<b>1,784</b>	<b>8,374</b>

*Note: Totals may not add due to rounding*

The following 2016 Budget highlights may be of interest to ITK:

- \$40 million over two years toward the National Inquiry into Missing and Murdered Indigenous Women and Girls;
- \$20 million over two years to strengthen the First Nations Finance Authority's capital base;
- \$33.1 million to Fisheries and Oceans Canada to extend the Atlantic and Pacific Integrated Commercial Fisheries Initiatives.

## CONCLUSION

The Government is working diligently and making concrete strides on all of these important issues. The 2016 Budget announcement of \$8.4 billion over the next five years to improve the socio-economic conditions of Indigenous peoples and their communities, including \$40 million

<sup>5</sup> Aboriginal Justice Strategy Evaluation, March 2016 (internal document, not yet published)

over two years for the national inquiry into MMIWG, is evidence of the Government's commitment to improving its relationship with Indigenous peoples.

## ANNEXES

- Annex 1: ITK: Biographical Notes
- Annex 2: ITK's Strategy and Action Plan 2016-2019
- Annex 3: Inuit to Crown relationship (letter to PM and an appendix)
- Annex 4: Report by Pauktuutit Inuit Women of Canada
- Annex 5: Briefing Materials: Review of changes in our criminal justice system and sentencing reforms
- Annex 6: Briefing Materials: Platform commitment to toughen criminal laws and bails conditions
- Annex 7: Talking Points

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## Annex 1

### Biographies of Inuit Tapiriit Kanatami Representatives

Natan Obed

s.19(1)

National Inuit Leader  
President of Inuit Tapiriit Kanatami

Natan Obed is the President of Inuit Tapiriit Kanatami, the national organization representing Canada's 60,000 Inuit. He is originally from Nain, Nunatsiavut (Newfoundland and Labrador), and currently lives in Ottawa.

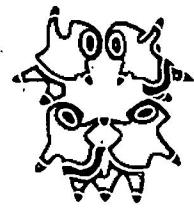
For 10 years, he lived in Iqaluit, Nunavut, and worked as the Director of Social and Cultural Development for Nunavut Tunngavik Inc. (NTI), which represents the rights of Nunavut Inuit. He has devoted his entire professional career to working with Inuit representational organizations to improve the wellbeing of Inuit in Canada. He was elected to a three-year term as President in September, 2015.

Elizabeth Ford, Executive Director of Inuit Tapiriit Kanatami

Currently serving as Executive Director of the organization, Ms. Ford also serves as Director, DHSD and has been doing so since November, 2005. From 2000 to 2004, she worked as Administrator – Youth Division for the Labrador Inuit Association. She holds a Bachelor of Social Work (1995) from the Memorial University of Newfoundland.

2016-2019

# Strategy and Action Plan



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INUIT TAPIRIIT KANATAMI

**Our Vision:**  
Canadian Inuit are  
prospering through unity  
and self-determination

**Our Mission:**  
Inuit Tapiriit Kanatami  
is the national voice for  
protecting and advancing  
the rights and interests  
of Inuit in Canada

# President's Introduction

s.19(1)

We have such a strong and vibrant Inuit society that sustains and grounds us; and the pride we have in our identity is a source of inspiration that I draw on every day. We still have great social, cultural, and political challenges, but I am confident that we can work together to overcome them to build a better future through action, advocacy, and political mobilization.

It is important that we communicate ourselves clearly on this journey to self-determination and prosperity. To this end, I am pleased to present Inuit with ITK's 2016-2019 Strategic Plan.

This Plan defines seven objectives that will form the foundation of our work over the next three years. These ITK objectives and the actions that will help us achieve them have been developed in partnership with the four Inuit land claim organizations and also reflect the priority areas I have identified as essential to demonstrate success in my three-year mandate.

We have been through so much change, so much hardship, and so much colonization, but we have persevered and overcome many barriers to be here today, including defiance of colonization, cultural genocide, and assimilation. We are an incredibly resilient people.

ITK will use our combined strength at the national level to help improve the quality of life of our people. Fighting to improve our socio-economic status, working to prevent suicide, asserting our rights as Indigenous people, and reconciling with each other and with Canada are just some of the things we must do to achieve peace and stability within our communities and within Canada.

I am looking forward to the work ahead. Let us find ways to work together, understand each other, and support each other to change Inuit society for the better.

Nakurmiik,

Natan

**"We have been through so much change, so much hardship, and so much colonization, but we have persevered and overcome many barriers to be here today, including defiance of colonization, cultural genocide, and assimilation. We are an incredibly resilient people."**

# 01 Section 1: Organizational overview

## Who we are

Inuit Tapiriit Kanatami (ITK) is the national representative organization for Canada's 60,000 Inuit, the majority of whom live in 53 communities spread across the Inuvialuit Settlement Region (Northwest Territories), Nunavut, Nunavik (Northern Quebec), and Nunatsiavut (Northern Labrador). We call this vast region Inuit Nunangat and it encompasses roughly 35 percent of Canada's landmass and 50 percent of its coastline.

The comprehensive land claims settled in Inuit Nunangat remain the bedrock of who we are as an organization. These land claims have the status of protected treaties under the Constitution, and we remain committed to working with the Crown to ensure that these living documents are fully implemented.

Consistent with its founding purpose, ITK represents Inuit nationally as the democratic governance model that includes all Inuit at its base. We have a special working relationship with the National Inuit Youth Council, which was established by ITK in 1993 to provide guidance and input into issues of interest for Inuit youth in Canada.

ITK is also an Inuit advocacy organization for policies, programs and services on a wide range of social, cultural, political and environmental issues facing our people. In support of this work, ITK produces advice, knowledge, strategies, action plans, policy tools and learning resources that support our mission to protect and advance the rights and interests of Inuit in Canada.

ITK is governed by a Board that is composed of the following members:

- Inuvialuit Regional Corporation
- Makivik Corporation
- Nunavut Tunngavik Inc.
- Nunatsiavut Government

**60K**

Inuit in Canada

**53**

Communities

In addition to voting members, the following non-voting Permanent Participant Representatives also sit on the Board:

- President, Inuit Circumpolar Council Canada
- President, Pauktuutit Inuit Women of Canada
- President, National Inuit Youth Council

ITK's Annual General Assembly elects a president for three-year terms. Our office is located in Ottawa to maximize the national role we play.

ITK's executive office is staffed by the President, Executive Director, Political Advisor, Legal Advisor, and Executive Assistant.

ITK is organized into eight departments staffed by 30 employees. These departments are as follows: Executive, Health & Social Development, Environment & Wildlife, Communications, Amaujaq National Centre for Inuit Education, Inuit Qaujisiarvingat, Finance & Administration and Human Resources.

## Background

ITK's Strategic Plan defines our vision for Inuit society and provides a roadmap that will help us achieve this vision. The Strategic Plan also promotes accountability by informing the public and our Board about the outcomes we are committed to achieving during this three-year period.

The Strategic Plan will guide the work ITK's staff carries out on a day-to-day basis. It will inform the way we allocate resources, how we staff our organization and what issues we prioritize. The Strategic Plan is guided by ITK's vision, which is as follows:

***"Canadian Inuit are prospering through unity and self-determination"***

ITK's purpose is reflected in our mission statement, which is as follows:

***"Inuit Tapiriit Kanatami is the national voice for protecting and advancing the rights and interests of Inuit in Canada"***

**35%**  
Inuit Nunangat encompasses  
35% of Canada's landmass

**50%**  
and 50% of Canada's coastline

**"We have to find an organized voice amongst ourselves so we may direct our lives the way we want them to be."**

Jacob Oweetaluktuk  
(Inukjuak, Nunavik)  
Toronto, 1971

1971

Founding of  
Inuit Tapirisat of Canada

## ITK's History

Inuit Tapiriit Kanatami, formerly the Inuit Tapirisat of Canada, was founded at a meeting in Toronto in February 1971 by seven Inuit community leaders. The impetus to form a national Inuit organization evolved from shared concern among Inuit leaders about the status of land and resource ownership in Inuit Nunangat. Industrial encroachment into Inuit Nunangat from projects such as the then proposed Mackenzie Valley pipeline in the Northwest Territories and the James Bay Project in Northern Québec, spurred community leaders to action.

During the Toronto meeting, a participant from Inukjuak, Nunavik, Jacob Oweetaluktuk, set the tone for the historic meeting in his opening comments. He stressed that "we have to find an organized voice amongst ourselves so we may direct our lives the way we want them to be."

The seven Inuit community leaders agreed that forming a national Inuit organization was necessary to voice their concerns about these and related issues. They chose the name Inuit Tapirisat of Canada for the new organization, whose name means "Inuit will be united". They designated themselves as an interim organizing committee and outlined the parameters of the first ITC conference that was held in Ottawa later that year.

ITK's early leadership envisioned a blanket land claim to Inuit lands in the Northwest Territories and Nunavik given the immediate pressures facing these regions while Nunatsiavut's land claim would come later. However the acceleration of activity in the Mackenzie Delta region and Nunavik made work on a single claim impractical.

ITK remained active in land claims by leading land claims negotiations for Nunavut between 1976 and 1982, through coordination of research documenting traditional Inuit land use and occupancy in the Northwest Territories, and by making preparations to manage the assets of a future settlement.

In addition to land claims, ITK has played a leading role in the broader recognition of Indigenous rights in Canada. ITK oversaw the Inuit Committee on National Issues

(ICNI) which was organized in 1979 in order to represent Inuit views on Canada's Constitution. ICNI was part of the Aboriginal Rights Coalition that successfully lobbied the federal and provincial governments to reinstate Section 35 of the Constitution after its removal during the 1981 First Ministers Constitutional Conference. Among other things, Section 35 of the 1982 Constitution Act elevates Inuit land claims to the status of treaty rights and protects them within the Constitution.

In 2001, ITK changed its name to Inuit Tapiriit Kanatami, which means "Inuit are united in Canada." The name was changed to reflect the settlement of land claims agreements in all Inuit regions following the Labrador Inuit Association's signing of an Agreement-in-Principal for the Labrador land claims agreement.

More recently, ITK helped shape the work of the Indian Residential Schools Truth and Reconciliation Commission (TRC). ITK partnered with the TRC to establish an Inuit sub-commission that ensured that Inuit survivors of the residential schools were included in the national truth-telling and reconciliation process. The sub-commission did so by carrying out the work of the TRC in Northern Canada from January 2011 to April 2012. The policy directives that resulted from the TRC's inquiry call on the federal, provincial and territorial governments to enact policy changes that promote equity in the areas of child welfare, education, language and culture, health and justice.

ITK was founded to serve as the political vehicle unifying Inuit in pursuit of social and cultural self-determination. Although ITK's immediate focus was land claims when it formed in 1971, Inuit community leaders saw this struggle as part of the broader goal to gain control over institutions and systems that had undermined our traditional ability to be self-reliant. During the past four and a half decades ITK has been adept at adapting to the shifting political realities facing our people while keeping this goal in focus. It is because of this ability to adapt that ITK remains a powerful voice for Inuit.

# 2001

Inuit Tapirisat of Canada's  
name changed to  
Inuit Tapiriit Kanatami  
(Inuit are united in Canada)  
to reflect the settlement of  
land claims agreements  
in all Inuit regions.

**"Our people are our greatest resource and their health and wellbeing are essential to sustaining the progress we have made."**

## Our focus

The settlement of separate comprehensive land claims agreements by each of the four Inuit regions has helped safeguard the foundation of our culture and society. Land claims also produced new governance structures in the shape of Nunavut, a public government, the Kativik Regional Government in Nunavik, also a public government, and the Nunatsiavut self-government in Labrador. These entities strengthen Inuit self-determination over our affairs and today Inuit enjoy access to social and economic resources that were scarcely available when ITK formed in 1971.

However our people continue to experience some of the worst social and economic outcomes in Canada and this prevents too many families from fully enjoying the benefits of these important gains. In the last decades these persisting challenges have necessitated a shift in focus within our organization from land claims and regional governance issues to social and cultural development. Our people are our greatest resource and their health and wellbeing are essential to sustaining the progress we have made.

Today ITK works to improve the health and wellbeing of Inuit through research, advocacy and public outreach and education on the common issues affecting our population. We work closely with the four Inuit regions to present unified priorities in Ottawa that are supported by work in these three main areas.

Advocacy with a unified voice is imperative for Inuit given the small size of our population and our correspondingly small political representation in Ottawa. Inuit represent less than one percent of Canada's population and just four out of the 338 ridings that are represented in the House of Commons include constituents in Inuit Nunangat. MPs representing Inuit Nunangat make up just one percent of Parliament. This means that there is a constant need for unified Inuit representation through ITK to educate lawmakers and government agencies about Inuit, our priorities and the realities within our regions and communities.

Consistent with ITK's focus on social development, the current ITK administration has identified five key priorities that will guide our work with governments in the immediate future. These five priorities are: suicide prevention, Inuit education, addressing family violence, reconciliation, and Inuit language promotion, preservation and revitalization. These priorities are reflected in the objectives outlined in more detail in Section 3 of this document.

Similar to its role in the early 1970s, ITK unifies the four Inuit regions in order to ensure that work on these and other complex challenges facing our geographically dispersed population does not take place in silos. ITK advocates for policies at the federal level that reflect the needs of Inuit communities and that contribute to the health and wellbeing of our people in five main ways:

**"There is a constant need for unified Inuit representation through ITK to educate lawmakers and government agencies about Inuit, our priorities and the realities within our regions and communities."**

## **1. Representation**

ITK is the National Aboriginal Organization representing Inuit in Canada. This means that ITK represents Inuit in our relationship with the Crown. In this role, ITK is responsible for communicating a unified Inuit perspective on the issues affecting our population, and ensuring that Inuit are consulted and accommodated where our Aboriginal and other treaty rights stand to be affected by a proposed Crown decision.

## **2. Research**

ITK carries out and supports research that informs federal agencies, lawmakers and other stakeholders about the status of Inuit and the effectiveness of current policies and programs. The role that ITK plays in research helps ensure that federal agencies, lawmakers and other stakeholders are informed about the issues we care about, and that those policies or interventions impacting Inuit are effective and based on evidence.

# 2014

ITK publishes an assessment of the impacts of the First Nations and Inuit Childcare Initiative across Inuit Nunangat

For example, ITK published an assessment of the impacts of the First Nations and Inuit Childcare Initiative across Inuit Nunangat in 2014 and in 2008-2009 partnered with Health Canada to conduct the Inuit Oral Health Survey. ITK also guides federal agencies such as Statistics Canada and Health Canada in their approach to gathering Inuit-specific information in their National Household Survey, Aboriginal Peoples Survey and Aboriginal Children's Survey. By doing so, ITK contributes to the understanding of how Inuit are affected by policies and programs and what resources are needed to support service providers and other stakeholders at the regional and community levels.

# 2011

ITK publishes National Strategy on Inuit Education

### **3. Policy guidance**

ITK provides guidance to federal agencies, lawmakers and other stakeholders on social and cultural policy. For example, ITK's 2011 National Strategy on Inuit Education and 2013 Inuit-Specific Tuberculosis Strategy, are policy roadmaps that articulate Inuit aspirations on these issues. They provide much needed guidance to provincial, territorial and regional governments as they seek to influence these issues.

### **4. Public outreach and education**

ITK educates Canadians about Inuit priorities and concerns by creating resources that foster understanding and support for the work our people are carrying out at various levels of government. ITK's publications frame complex issues such as mental health, educational attainment and food security for a policy audience. This process of translating knowledge for a wider audience is crucial for influencing the way resources such as mental health services and supports are designed and allocated.

For example, ITK's 2014 Comprehensive Report on the Social Determinants of Inuit Health is aimed at supporting public health activities across the Inuit regions in Canada and functions as a reference for organizations and governments working with the Canadian health and social service sector.

In order to reach the broadest possible audience, ITK also educates Canadians about Inuit and keeps our constituents up to date about our progress through our biannual Inuktutit Magazine. Inuktutit is Canada's longest publishing Inuit language periodical. The magazine connects Inuit across Inuit Nunangat through stories published in Inuktut, French and English. This important communications tool helps perpetuate Inuktut and puts a human face on the issues we care about.

In addition, ITK supports Inuit regions more directly by partnering with federal agencies to develop tools such as the Inuit Environmental Health Guides that function as an educational resource for Inuit families on environmental health issues such as firearm safety, indoor air quality and open water and ice safety. Finally, ITK's participation in high profile events such as the annual World Suicide Prevention Day, helps raise awareness about the challenges our communities face and the resources and supports needed to overcome them.

**"1959 Inuktutit magazine begins publication, becoming Canada's first Inuit language publication."**

## **5. Unifying Inuit**

ITK contributes to a shared sense of political and cultural identity among Inuit across Canada through the work we do. ITK unifies our small population through our political advocacy, public outreach and education about the common issues facing our people. Our ability to foster a shared sense of identity among our population spread across a vast space continues to be the cornerstone of our success as an organization.

The creation of ITK in 1971 was part of a turning point in the history of relations between Inuit and the Government of Canada that continue to evolve. Looking forward, ITK will work in closer partnership with each of the four Inuit regions to protect the gains we have made through a focus on the social, cultural and political development of Inuit Nunangat.

**2013**

ITK publishes  
Inuit-Specific  
Tuberculosis Strategy

# 02

## Section 2: Rationale/Context

ITK works with regional Inuit organizations to advocate for solutions to a wide range of challenges at the national level. Inuit communities are spread across four jurisdictions and ITK's oversight provides the direction needed on these issues for effective advocacy. Our regions and communities are diverse yet we are united by many common issues and a shared commitment to our people.

Inuit communities are among the most culturally resilient in North America. Roughly 60 percent of Inuit report an ability to conduct a conversation in Inuktitut, and our people continue to harvest country foods such as seal, narwhal and caribou to feed our families and communities. Traditional values such as sharing, respect for elders and cooperation remain a central part of Inuit community life. Despite our small population, Inuit communities have produced world renowned musicians and artists and our leaders have helped advance the global struggle for indigenous self-determination and human rights.

These are some of the assets that reflect the resilience and potential of our people. However despite these positive characteristics too many Inuit face persisting social and economic hardship. Many families are struggling to meet their basic needs in areas such as safety, housing, and getting enough food to eat. Low rates of educational attainment and employment are compounded by high living costs across Inuit Nunangat that place intense stress on our people.

Statistics and research paint a distressing picture of a society struggling with violence and trauma. These struggles are often magnified by gaps in resources such as addictions treatment, domestic violence shelters and access to healthcare and housing. The suicide rate for Inuit is the starker and most painful symptom of these interrelated challenges.

The fact that Inuit die by suicide at a rate more than 10 times the rate for Canadians as a whole underscores the impact these disparities are having on our people. It highlights the staggering inequity far too many of our people face despite living in a democratic country of relative wealth and abundance.

# 60%

Percentage of Inuit able  
to converse in Inuktitut

These challenges do not exist in a political vacuum. Rather they exist against the historical backdrop of Canada's colonization of Inuit Nunangat, in which federal government policy directed the institutions and systems that have destabilized our society by undermining our ability to be self-reliant. The social and cultural challenges that exist today can similarly be undone in large part through policies that support and empower Inuit institutions, families and communities.

The above profile of our people highlights some of the complex issues facing our population today. How we navigate these issues together as a society will determine the status and opportunities of future generations of our people. ITK is committed to leading Inuit in defending the progress we have made and strengthening the social and cultural foundation future generations will stand on.

# 03 Section 3: Strategic Approach

This section of the Strategy and Action Plan outlines the changes ITK seeks (objectives), the path to achieving these changes (actions) as well as the deliverables supporting our actions. The seven objectives described below are the priority areas that ITK will focus on during the 2016-2019 period. They were identified through consultation with leadership in the four Inuit regions and also reflect the vision set out by the ITK administration. Taken together, the objectives described in this section reflect our long-term aspirations for Inuit Nunangat.

This section is organized by objective, introducing the issues and their relevance to Inuit as well as the actions that will help us achieve each objective. The objectives, actions and deliverables that will help us achieve the change we seek are consolidated into a table at the end of this document (Appendix I). ITK's objectives for the 2016-2019 are as follows:

**Objective 1:**

Take action to prevent suicide among Inuit

**Objective 2:**

Improve access to appropriate and affordable housing in Inuit Nunangat

**Objective 3:**

Work toward reconciliation

**Objective 4:**

Support Inuit self-determination in education

**Objective 5:**

Protect the Inuit Nunangat environment

**Objective 6:**

Strengthen Inuit self-determination in research

**Objective 7:**

Enhance the health and wellbeing of Inuit families and communities

## OBJECTIVE 1: Take action to prevent suicide among Inuit

Suicide affects all Inuit. It is a national crisis that demands a national response. Suicide prevention is the most pressing challenge facing our people. Inuit die by suicide at a rate more than 10 times the national rate, a statistic reflecting the vast inequity between Inuit Nunangat and southern Canada. Suicide has persisted as the most devastating social challenge in our communities for the last half century. ITK seeks to work with stakeholders in order to reduce the suicide rate among Inuit to the Canadian average or below it.

Suicide among Inuit is a symptom of wider social challenges faced by our people. The goals that support this objective therefore address wider challenges that are tied to suicide such as mental health services and supports, childhood trauma, and violence prevention. They reflect the ongoing work of ITK's National Inuit Committee on Health to address themes such as Inuit mental wellness, healthy living and healthy life choices for Inuit, and Inuit health research.

**"Suicide prevention is the most pressing challenge facing our people. Inuit die by suicide at a rate more than 10 times the national rate, a statistic reflecting the vast inequity between Inuit Nunangat and southern Canada."**

### ACTIONS

- 1.1 Advance suicide prevention efforts in Inuit Nunangat.
- 1.2 Ensure implementation of the national Inuit suicide prevention strategy.
- 1.3 Work with government agencies to ensure the availability of Inuit specific, government-funded and community-based programs and services for Inuit children and families.
- 1.4 Provide advocacy and research supporting a continuum of culturally relevant mental wellness programs and supports throughout Inuit Nunangat.
- 1.5 Ensure Inuit involvement in the development, design and delivery of public health policies, programs and services across all Inuit communities.
- 1.6 Lead efforts to communicate suicide prevention measures with Inuit and Canadians as a whole.

# 40%

Forty percent of Inuit live in crowded housing in Inuit Nunangat compared to four percent of Canadians as a whole.

## OBJECTIVE 2: Improve access to appropriate and affordable housing in Inuit Nunangat

Lack of access to appropriate and affordable housing in Inuit Nunangat is a national crisis. Forty percent of Inuit live in crowded housing in Inuit Nunangat compared to four percent of Canadians as a whole. Our society is experiencing enormous stress from the negative effects of crowded housing. Having access to appropriate and affordable housing is critical for people seeking safety from violence, improving educational attainment and health outcomes. Investing in housing is therefore an investment in the ability of our people to be self-sufficient and has a positive impact on our economies.

In order to remedy this situation, ITK will prioritize improving access to appropriate and affordable housing in Inuit Nunangat by advocating governments for increased spending allocations for public housing and alternative housing options in the short-term as well as for the creation of a National Inuit Housing Program. In addition, ITK will partner with the regions in identifying local solutions for meeting their long-term housing needs.

### ACTIONS

- 2.1** Work with government agencies to ensure, in the short term, increased spending allocations to significantly improve access to adequate, appropriate and affordable housing;
- 2.2** Draft a discussion document on barriers to Private Home ownership, with possible solutions as to how they may be overcome.
- 2.3** Organize a National Inuit Forum on Housing.
- 2.4** Advocate for the development and implementation of a National Inuit Housing Program with adequate programs for each region.
- 2.5** Work with regions to identify long-term, suitable solutions to meet Inuit housing needs.

## OBJECTIVE 3: Work toward reconciliation

We have reached a crossroads in Canada where past injustices committed against Indigenous peoples are being openly acknowledged by government. More importantly, the connections between injustices such as residential schooling and the present day social and economic inequity faced by Inuit and other Indigenous Canadians is more widely understood than ever before. Achieving reconciliation for our people is the next step, where Inuit are seeking true accountability from Canada through a renewed partnership that addresses the social and economic inequity caused by residential schooling, forced relocation, and other government policies. ITK will facilitate reconciliation for Inuit in partnership with governments in order to achieve the reconciliation and accountability our people seek.

The current government has made a commitment to "reset" its relationship with First Nations, Metis and Inuit, starting with the implementation of the Truth and Reconciliation Commission's 94 calls to action. ITK will partner with governments and regional Inuit associations to guide the implementation of these recommendations across Inuit Nunangat.

**"Inuit are seeking true accountability from Canada through a renewed partnership that addresses the social and economic inequity caused by residential schooling, forced relocation, and other government policies. ITK will facilitate reconciliation for Inuit in partnership with governments in order to achieve the reconciliation and accountability our people seek."**

### ACTIONS

- 3.1** Continue to meet with all parties to ensure work continues past the end of the Truth and Reconciliation Commission.
- 3.2** Continue to advocate on behalf of Nunatsiavut Inuit for Canada to address the exclusion and omission of Nunatsiavut Inuit from the Indian Residential School Settlement process.
- 3.3** Create and coordinate a plan that fulfills the desire by Inuit to implement the TRC's Calls to Action.
- 3.4** Ensure that Inuit are meaningfully engaged in the National Inquiry into Missing and Murdered Indigenous Women and Girls.
- 3.5** Partner with Reconciliation Canada and other organizations to promote reconciliation by engaging Canadians in dialogue that revitalizes the relationships among Indigenous peoples and all Canadians.

**"High school graduation rates across Inuit Nunangat lag behind the rest of Canada under the current systems, placing Inuit at a significant social and economic disadvantage."**

## OBJECTIVE 4: Support Inuit self-determination in education

Inuit self-determination in education is the key to the survival of our language and culture. Consistent with the UN Declaration on the Rights of Indigenous Peoples, Inuit self-determination in education means that Inuit are leading the establishment and control of our own educational systems and institutions and providing education in our own language in a manner appropriate to our cultural methods of teaching and learning. ITK will work with regional Inuit associations and governments to support Inuit self-determination in education through continued research and advocacy. By doing so, we seek to achieve reconciliation for Inuit in this important area.

We use the term education to mean K-12 public schooling as well as the general transfer of Inuit language and culture within our society. This means that in addition to public schooling, ITK will work to support the development of alternative educational opportunities outside of the K-12 school system such as Inuktut second-language learning and on-the-land skill development. Inuktut language promotion, preservation, and revitalization is a priority, and ITK will work with the Inuit regions toward the establishment of a unified Inuit language writing system in support of this goal.

Inuit language and culture have been accommodated within current schooling models but Inuit have rarely had the opportunity to lead the development of Inuit-specific school systems. At the same time, high school graduation rates across Inuit Nunangat lag behind the rest of Canada under the current systems, placing Inuit at a significant social and economic disadvantage.

### ACTIONS

- 4.1** Ensure implementation of the National Strategy on Inuit Education.
- 4.2** Unify the Inuktut writing system...
- 4.3** Ensure implementation of the 2012 *Inuit Early Childhood Development Strategy*.

## OBJECTIVE 5: Protect the Inuit Nunangat environment

Our culture, language and way of life are rooted in the Arctic environment, or sila in Inuktut. Protecting sila is imperative for the continuity of Inuit culture and society. Issues such as climate change, resource extraction and pollution have implications for Inuit food security, economic development and the inter-generational transmission of knowledge. Given the global focus on Inuit Nunangat around these and related issues, it is imperative that ITK play a lead role in decision-making at regional, national and international levels on issues such as Arctic shipping, wildlife management and harvesting, and the use and inclusion of Inuit science to support evidence-based policymaking. We must protect sila by using our platform to navigate these changes in partnership with our communities.

**"Protecting the environment is imperative for the continuity of Inuit culture and society. Issues such as climate change, resource extraction and pollution have implications for Inuit food security, economic development and the inter-generational transmission of traditional knowledge."**

### ACTIONS

- 5.1** Support climate change mitigation and adaptation actions for Inuit regions and communities.
- 5.2** Coordinate strategic activities and outreach that protect our way of life in relation to wildlife management.
- 5.3** Develop a national approach on certifying, branding, and marketing sustainable Inuit wildlife products for domestic and international trade.

**"Inuit communities are often in a vulnerable position when they engage with researchers and research institutions. Inuit and other Indigenous peoples have historically lacked the ability or opportunity to participate as equal partners with researchers and research institutions focusing on our communities."**

## OBJECTIVE 6: Strengthen Inuit self-determination in research

Having access to Inuit-supported research findings about issues that are of priority to Inuit is critical for informing the design of policies that in turn impact the quality of life in our communities. Inuit self-determination in research means that Inuit have oversight in setting the research agenda in our regions and communities, work as equal partners with researchers in the design, implementation and dissemination of research, and have access to and — as appropriate — control over how information gathered about our population is used and disseminated.

Inuit communities are often in a vulnerable position when they engage with researchers and research institutions. Inuit and other Indigenous peoples have historically lacked the ability or opportunity to participate as equal partners with researchers and research institutions focusing on our communities. As a consequence of this power imbalance, our people have rarely benefited from research in a meaningful way. This is why it is necessary to strengthen Inuit self-determination in research. In order to truly benefit from research focusing on our people, Inuit must be included as equal partners with researchers at every step of the process.

### ACTIONS

**6.1** Collect, verify and disseminate Inuit-specific data, statistics and research to appropriate stakeholders.

**6.2** Ensure continued organization, preservation, and sharing of Inuit-specific knowledge and information.

**6.3** Develop partnerships to create a sustainable Inuit Health Survey.

## OBJECTIVE 7: Enhance the health and wellbeing of Inuit families and communities

Over the past 60 years, Inuit have experienced dramatic socio-cultural changes which have impacted Inuit health and well-being. In all, many Inuit associate this transitional period with an overarching loss of self-reliance. Inuit regions share a common interest in advocating for health and wellness services, programs, policies, and research that are Inuit-specific and Inuit-led and which take into account the unique geographical, cultural and socio-economic factors affecting Inuit health.

However, in spite of significant efforts to improve our socio-economic conditions, substantial work remains to address underlying conditions that impact Inuit health. Inequalities in the Inuit social determinants of health must also be addressed to enable access, and support improvements to, economic opportunities, housing, education, language and culture, justice, and infrastructure. More action and commitment is needed to better support Inuit self-determination where all levels of government fully involve Inuit in the development, design and delivery of social and cultural policies, programs and services.

Inuit must also have an equitable level of long-term funding and resources that support consistent, accessible and culturally relevant health care programs and services needed to address the factors contributing to the current state of Inuit health in Canada.

**"Inuit regions share a common interest in advocating for health and wellness services, programs, policies, and research that are Inuit-specific and Inuit-led and which take into account the unique geographical, cultural and socio-economic factors affecting Inuit health."**

### ACTIONS

- 7.1** Advocate for the adequate resourcing of programs, services and initiatives that meet the needs of Inuit children and families.
- 7.2** Ensure Inuit involvement in the development, design and delivery of public health policies, programs and services across Inuit Nunangat.
- 7.3** Ensure that the Health Accord is inclusive of and responds to Inuit health priorities.
- 7.4** Partner with government to identify solutions to the high cost of living in Inuit Nunangat.

# 04 Section 4: Ensuring Success

In order for ITK to be effective, the Strategic Plan requires a process to monitor, evaluate and report on our progress. The Plan itself is the framework we will be using to report on our progress to the ITK Board on a quarterly basis as well as to regional leaders on a per-issue basis.

It is our priority to improve organizational transparency by educating the public about the work we do. ITK will provide the public with ongoing Strategic Plan updates about the progress we have made in fulfilling the commitments outlined above. In order to do so more effectively, ITK will strengthen our outreach to and involvement of Inuit on the major initiatives we champion.

In addition to these steps, ITK will develop a comprehensive results-based evaluation that will provide the principal tool for measurement of progress against the strategic goals. This evaluation will allow ITK to monitor and track action, and to better measure our direct (or indirect) impact on public policy.

Achieving our objectives will require a significant investment of resources. We are optimistic that ITK will be able to acquire the financial contributions needed to implement our goals.

# Appendix I

## Inuit Tapiriit Kanatami 2016-2019 Strategic Plan

### OBJECTIVE 1: TAKE ACTION TO PREVENT SUICIDE AMONG INUIT

ACTIONS	DELIVERABLES
<p>1.1 Advance suicide prevention efforts in Inuit Nunangat.</p> <p>1.2 Ensure implementation of the national Inuit suicide prevention strategy.</p> <p>1.3 Work with government agencies to ensure the availability of Inuit-specific, government-funded and community-based programs and services for Inuit children and families.</p> <p>1.4 Provide advocacy and research supporting a continuum of culturally relevant mental wellness programs and supports throughout Inuit Nunangat.</p> <p>1.5 Ensure Inuit involvement in the development, design and delivery of public health policies, programs and services across all Inuit communities.</p> <p>1.6 Lead efforts to communicate suicide prevention measures with Inuit and Canadians as a whole.</p>	<p>a. By July 2016 develop a national Inuit suicide prevention strategy.</p> <p>b. By September 2016 develop a national plan to evaluate and monitor implementation of Inuit suicide prevention strategies and goals and objectives.</p>

### OBJECTIVE 2: IMPROVE ACCESS TO APPROPRIATE AND AFFORDABLE HOUSING IN INUIT NUNANGAT

ACTIONS	DELIVERABLES
<p>2.1 Work with government agencies to ensure, in the short term, increased spending allocations to significantly improve access to adequate, appropriate and affordable housing.</p> <p>2.2 Draft a discussion document on barriers to Private Home ownership, with possible solutions as to how they may be overcome.</p> <p>2.3 Organize a National Inuit Forum on Housing.</p> <p>2.4 Advocate for the development and implementation of a National Inuit Housing Program with adequate programs for each region.</p> <p>2.5 Work with regions to identify long-term solutions to meet Inuit housing needs.</p>	<p>c. By April 2016 disseminate draft discussion document on barriers to Private Home ownership with Inuit regions.</p> <p>d. By Spring 2016 convene National Inuit Forum on Housing.</p>

### OBJECTIVE 3: WORK TOWARD RECONCILIATION

#### ACTIONS

- 3.1 Continue to meet with all parties to ensure work continues past the end of the Truth and Reconciliation Commission.
- 3.2 Continue to advocate on behalf of Nunatsiavut Inuit for Canada to address the exclusion and omission of Nunatsiavut Inuit from the Indian Residential School Settlement process.
- 3.3 Create and coordinate a plan that fulfills the desire by Inuit to implement the TRC's Calls to Action.
- 3.4 Ensure that Inuit are meaningfully engaged in the National Inquiry into Missing and Murdered Indigenous Women and Girls.
- 3.5 Partner with Reconciliation Canada and other organizations to promote reconciliation by engaging Canadians in dialogue that revitalizes the relationships among Indigenous peoples and all Canadians.

### OBJECTIVE 4: SUPPORT INUIT SELF-DETERMINATION IN EDUCATION

#### ACTIONS

- 4.1 Ensure implementation of the National Strategy on Inuit Education.
- 4.2 Unify the Inuktitut writing system.
- 4.3 Ensure implementation of the 2012 Inuit Early Childhood Development Strategy.

#### DELIVERABLES

- e. By September 2016 develop a *National Strategy on Inuit Education* action plan to evaluate and monitor implementation of strategy goals and objectives.
- f. By December 2017 facilitate regional adoption of the national Inuktitut writing system.

### OBJECTIVE 5: PROTECT THE INUIT NUNANGAT ENVIRONMENT

#### ACTIONS

- 5.1 Support climate change mitigation and adaptation actions for Inuit regions and communities.
- 5.2 Coordinate strategic activities and outreach that protect our way of life in relation to wildlife management.
- 5.3 Develop a national approach on certifying, branding, and marketing sustainable Inuit wildlife products for domestic and international trade.

#### DELIVERABLES

- g. By January 2017 develop a long term Inuit-specific climate change strategy.

## OBJECTIVE 6: STRENGTHEN INUIT SELF-DETERMINATION IN RESEARCH

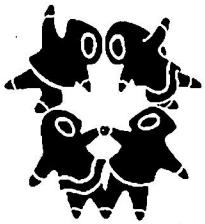
ACTIONS	DELIVERABLES
6.1 Collect, verify and disseminate Inuit-specific data, statistics and research to appropriate stakeholders.	h. By 2018, develop a national strategy on Inuit-specific research.
6.2 Ensure continued organization, preservation, and sharing of Inuit-specific knowledge and information.	i. By June 2017 create a research library based at ITK.
6.3 Develop partnerships to create a sustainable Inuit Health Survey.	

## OBJECTIVE 7: ENHANCE THE HEALTH AND WELLBEING OF INUIT FAMILIES AND COMMUNITIES

ACTIONS
7.1 Advocate for the adequate resourcing of programs, services and initiatives that meet the needs of Inuit children and families.
7.2 Ensure Inuit involvement in the development, design and delivery of public health policies, programs and services across Inuit Nunangat.
7.3 Ensure that the Health Accord is inclusive of and responds to Inuit health priorities.
7.4 Partner with government to identify solutions to the high cost of living in Inuit Nunangat.

## Deliverables Timeline

<b>April 2016</b> disseminate draft discussion document on barriers to Private Home ownership with Inuit regions.	<b>July 2016</b> develop a national Inuit suicide prevention strategy.	<b>September 2016</b> develop a national plan to evaluate and monitor implementation of Inuit suicide prevention strategies and goals and objectives.	<b>January 2017</b> develop a long term Inuit-specific climate change strategy.	<b>June 2017</b> create a research library based at ITK.	<b>December 2017</b> facilitate regional adoption of the national Inuktitut writing system.
<b>Spring 2016</b> convene National Inuit Forum on Housing.		<b>September 2016</b> develop a National Strategy on Inuit Education action plan to evaluate and monitor implementation of strategy goals and objectives.			<b>2018</b> develop a national strategy on Inuit-specific research.

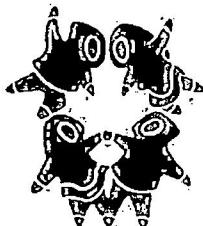


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February 10, 2016

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INUIT TAPIRIIT KANATAMI

The Right Honourable Justin Trudeau, P.C., M.P.  
Prime Minister of Canada, Minister of Intergovernmental Affairs and Youth  
80 Wellington Street  
OTTAWA, ONTARIO K1A 0A2

*Justin*

Dear Prime Minister,

Thank you for meeting with Inuit leadership on January 26. I was honoured to host you at Inuit Tapiriit Kanatami's office, and I am confident that this historic meeting laid the groundwork for a renewed Inuit to Crown partnership. I am glad we are now one step closer to realizing our shared vision of a truly collaborative partnership between Inuit and Government focused on improving the lives of Inuit.

In our meeting we stressed how important land claims agreements are in our overarching relationship with the Crown. Inuit governance is in many ways driven by these constitutionally protected agreements, and the time spent implementing and honouring our agreements is foundational to any shared success.

We also stressed that in Inuit Nunangat too many of our peoples' basic needs are not being met in areas such as housing, health, education, food security and access to infrastructure. Our social and economic challenges place great stress on our families, making it difficult for children to grow up in healthy, nurturing environments with the support they need to succeed in life.

Progress on these interrelated social and economic issues will need the necessary investments, but can also be improved by rethinking the way in which Inuit participate in setting the national policy agenda on policies, programs and initiatives that affect Inuit Nunangat. Inuit participation is a necessary facet of good policymaking, and also helps create the best possible environment for success.

In order to achieve success through our renewed partnership, Inuit propose that a bilateral cabinet-level body be created with designated Inuit leaders. This body would be the focal point for the renewed Inuit to Crown partnership. It would be responsible for identifying and undertaking the work necessary in defined timelines. We are encouraged by your willingness to consider this idea, which we have described in greater detail in the attached document.

...2

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Canada is only as strong as its most vulnerable citizens. Achieving prosperity for Inuit and thus Canadians as a whole requires that we work together to identify solutions to these complex challenges. Inuit remain hopeful that we can embark on this new chapter of Canadian history together, one in which the Inuit perspective is valued and guides decision-making on issues that affect our families and communities.

You and I have now been introduced. We have been able to share our visions with one another about improving the lives of indigenous peoples in Canada, and specifically for Inuit. Our next steps must be to undertake this urgent work and show Canadians what true partnership can achieve between Inuit and government.

Nakurmiik,

[REDACTED]  
s.19(1)

Natan Obed  
President

"Attachment: Proposal for the creation of the Inuit to Crown Partnership Committee"

c.c. Honourable Hunter Tootoo, Minister of Fisheries & Oceans Canada  
Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs  
ITK Board of Directors



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## APPENDIX I

### **Proposal for the creation of the Inuit to Crown Partnership Committee**

#### *Premise*

Many of the severe social and economic challenges Inuit face constitute national crises. Issues such as crowded housing, food security and suicide highlight the extreme inequity between Inuit Nunangat and southern Canada. The lack of progress on these and related issues warrants a renewed Inuit to Crown partnership premised on a shared commitment to effecting change. Additionally, the Prime Minister has called for such things as the implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the implementation of the Truth and Reconciliation Commission's Calls to Action. The creation of the Inuit to Crown Partnership Committee (ICPC) would ensure that we achieve success in these areas through a unified approach.

#### *Function*

The ICPC would serve three main functions:

- 1) Facilitate Inuit to Crown partnership outcomes:** The Prime Minister has committed to meeting with Inuit leaders on an annual basis in order to strengthen the Inuit to Crown partnership. The ICPC would be the working body responsible for ensuring that the Liberal government is successful in delivering on its pledges to Inuit. It would do so by synchronizing the work of relevant departments into an overarching work plan; the ICPC would report to the PM.
- 2) Ensuring government success and accountability to Inuit:** The ICPC would meet to help ensure the success of Inuit-specific policies, programs and services. Inuit participation in the ICPC would bridge the gap between community realities and decisions made at the national level around policy issues such as land claims implementation, Nutrition North, and housing.
- 3) Facilitate inter-agency and intergovernmental collaboration:** The issues we face are interrelated and require an inter-agency and intergovernmental approach. The ICPC would eliminate silos so that relevant agencies can work together more effectively on the complex challenges facing Inuit and government.

## Governance

We envision that the ICPC would be comprised of up to nine members: four cabinet members appointed by the Crown and five Inuit leaders. The ICPC would meet three times annually (spring, fall and winter) in Ottawa in conjunction with the House of Commons calendar. One of these meetings would be used to fulfill the Prime Ministers commitment to meet with Inuit leaders annually.

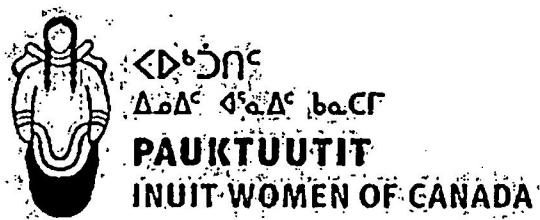
We recommend that Crown representation be chosen from among these relevant files:

### *Possible ICPC Crown representatives*

- Minister of Indigenous and Northern Affairs
- Minister of Health
- Minister of Justice and Attorney General of Canada
- Minister of Families, Children, and Social Development
- Minister of Environment and Climate Change
- Minister of Fisheries, Oceans and the Canadian Coast Guard
- Minister of Employment Workforce Development and Labor
- Minister of Canadian Heritage
- Minister of Status of Women

### *Inuit ICPC representatives*

- Inuit Tapiriit Kanatami
- Inuvialuit Regional Corporation
- Makivik Corporation
- Nunatsiavut Government
- Nunavut Tunngavik Inc.



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*Nipimit Nanisiniq – Finding Voice*

**Report on the Pre-Inquiry Consultation  
Missing and Murdered Indigenous Women and Girls**

**Pauktuutit Inuit Women of Canada  
February 9 – 12, 2016**

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## Introduction

**"My mother was a beautiful person, I was almost four when she died. I remember things about her and my father. My siblings and I were split up among different families, so I grew up without them too."**

**Becky Michelin, Board member, Pauktuutit Inuit Women of Canada, Happy Valley-Goose Bay, Labrador**

From February 9-12, 2016, Pauktuutit Inuit Women of Canada held a consultation on the National Inquiry on Missing and Murdered Indigenous Women and Girls<sup>1</sup>. The objectives of the pre-inquiry meeting were to:

- ◊ provide an opportunity for Inuit families to meet, share their experiences, provide mutual support, and offer input to the scope, mandate/priorities and structure of the national inquiry on missing and murdered Indigenous women;
- ◊ consult national, regional, urban and other representative Inuit organizations on recommendations for the national inquiry;
- ◊ discuss roles, responsibilities, mandates and interests of Inuit organizations before and during the national inquiry; and
- ◊ determine Inuit priorities for action to address violence prevention in Inuit communities across Canada.

For the first two days, members of the Pauktuutit Board of Directors and staff met with family members of missing and murdered Inuit women and girls from across the country. These sisters, mothers, daughters, grandmothers, aunts, nieces and cousins travelled from the four Inuit regions and urban Inuit communities to honour their loved ones and tell their stories.

They described the circumstances of their loved ones' deaths and disappearances, the police investigations that followed and the outcomes of the criminal justice process. They talked about their grief and sorrow but also celebrated the lives of those who had been taken through happy memories and pictures. Participants also discussed the nature of national inquiries and began to consider what was needed to make a national inquiry into missing and murdered Indigenous women and girls relevant and beneficial for Inuit. Family members talked about what would help them to participate fully in the proceedings and what outcomes they were looking for.

Then on February 11 and 12, the families and Pauktuutit Board members were joined by representatives of Inuit organizations and governments to further explore issues and priorities, and begin to formulate recommendations for the inquiry. Families of the missing and murdered continued to share their stories and experiences and had a powerful impact on the discussion. Organizational delegates also contributed their personal experiences of being touched by violence and their advice for making the inquiry relevant and meaningful for Inuit.

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<sup>1</sup> [www.aadnc-aandc.gc.ca/eng/1448633299414/1448633350146](http://www.aadnc-aandc.gc.ca/eng/1448633299414/1448633350146)

### **Organizations and Governments Participating in the Meeting**

AnânaKatiget Tumingit Regional Inuit Women's Association (Nunatsiavut)

Department of Family Services, Government of Nunavut

Department of Justice, Government of Nunavut

Indigenous and Northern Affairs, Government of Canada

Intergovernmental Affairs, Government of Nunavut

Inuit Tapiriit Kanatami

Labrador and Aboriginal Affairs, Government of Newfoundland and Labrador

Mamisarvik Healing Centre and Transition House, Ottawa, Ontario

Makivik Corporation (Nunavik)

Native Women's Association of the NWT

Pauktuutit Inuit Women of Canada

Saturviit Inuit Women's Association (Nunavik)

Status of Women Office, Nunatsiavut Government

Tungasuvvingat Inuit

### **Recommendations for the Inquiry**

**"We know of 27 Labrador women missing and murdered, in a population of a few thousand."**

**Charlotte Wolfrey, Rigolet, Nunatsiavut**

This report focuses on the experiences and concerns of the families of missing and murdered Inuit women and girls, and of representatives of Inuit organizations and governments. It speaks to how a national inquiry could address the urgent and compelling need to prevent violence against women and girls, and to provide justice to those who are missing and murdered.

It is strongly recommended that prior to any final announcement of the mandate, scope, structure and process of the national inquiry that the federal government apply the principles of ethics in indigenous research methodologies and validate their interpretation of Inuit pre-consultation recommendations with participants to ensure Inuit needs and priorities will be incorporated and addressed.

## Addressing Inuit Needs

A sentiment that echoed throughout the meeting was “we want our voices to be heard, our people remembered, and on our terms.” Meeting delegates were clear on several points concerning the nature of the inquiry and how it can meet Inuit needs. There is concern that because Inuit are a small population their issues and concerns will be overshadowed in a pan-Aboriginal process. Therefore, it is very important that the inquiry be set up to reflect Inuit as well as First Nations and Métis values and principles, and that each population has a parallel and equal process within the overall inquiry. In keeping with Inuit leadership approaches, the selection of commissioners will be critical, and the inquiry needs to carefully develop its approach, tone and process in ongoing partnership with Inuit representative organizations.

The Qikiqtani Truth Commission<sup>2</sup> provides an example of an Inuit-led inquiry that is seen to have genuinely reflected Inuit principles and practices, thoroughly investigate an important issue, and contribute to better institutional relationships and community healing. Madeleine Redfern, who was executive director of the Commission, described its design and operation from 2011 to 2015.

The Commission was set up by the Qikiqtani Inuit Association in the Baffin region of Nunavut. It was originally intended to investigate the slaughter of Inuit sled dogs in communities. It evolved into a broad inquiry into traumatic experiences in the transition years 1950 to 1975 when Inuit were settled into permanent communities and their way of life changed dramatically. Some of the strengths of the Commission that she identified were:

- ◊ selecting of a retired Inuk judge as Commissioner – he brought broad cultural knowledge, legal expertise, and a compassionate and flexible approach;
- ◊ developing institutional relationships (e.g., with the RCMP) early on which developed into longer-term partnerships;
- ◊ promoting and sharing information about the process well in advance of community tours;
- ◊ holding hearings where witnesses could speak freely and without time limits, and allowing some to give testimony in their homes;
- ◊ having a parallel research process that created a balanced, detailed record of the time period; and
- ◊ returning the findings to community members, and developing the recommendations with them.

**“Inquiries can be valuable but the mandate, who is involved, how it’s done, the commitment of agencies, all that is important. [This inquiry] needs to be directed by Indigenous people.”**  
**Madeleine Redfern, former Executive Director,**  
**Qikiqtani Truth Commission, Iqaluit, Nunavut**

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<sup>2</sup> [www.qtcommission.ca](http://www.qtcommission.ca)

In the national inquiry on murdered and missing Indigenous women and girls, Inuit want as much involvement in and control over the process as possible, following the principle of “about our people, by our people, for our people.”

Inuit needs for the inquiry can be addressed by:

- A parallel and equal process within the overall inquiry with appropriate financial and human resources;
- ensuring there is Inuit-specific: 1) research, 2) funding and 3) structure;
- the nomination, by Inuit, of an Inuk/Inuit commissioners that are well known and respected by Inuit; and
- continuing to design and implement the inquiry in close partnership with national and regional Inuit representative organizations.

**“A key to the future for Inuit is stopping violence against women. Pauktuutit has done great work on this issue over time. Inuit Tapiriit Kanatami is here to stand beside you. Together we will have an amplified voice.”**

**Natan Obed, President,  
Inuit Tapiriit Kanatami, Ottawa, Ontario**

## **Commissioners**

Meeting participants felt that the inquiry should have at least one, but preferably two Inuit commissioners, however, they also want to limit the number of commissioners overall. With equal numbers of First Nations, Inuit and Métis commissioners, this would mean three to six commissioners in total. However, to minimize travel costs, not all commissioners would need to attend all hearings – regional travel could be apportioned to teams of two to three commissioners.

If there is one Inuit commissioner, the group stated it should be a woman; if there are two, then a woman and a man. Inuit commissioners should be respected leaders and one should be a lawyer. The role and involvement of elders must be considered.

Inquiry commissioners should:

- equally represent Inuit, Métis and First Nations and;
- be small in number and not necessarily travel to all hearings;
- include either one Inuk woman or an Inuk man and woman, one of whom is a lawyer; and
- be respected leaders who are approachable and are good listeners.

## **Mandate**

The recommended mandate for the inquiry arose out of discussions of priority issues related to violence in Inuit communities. Family representatives and organization delegates believe that the inquiry should investigate the circumstances, systems responses, impacts and outcomes on missing and murdered Inuit women in all four Inuit regions and urban communities. Violence against Inuit women and girls has far-

reaching implications for victims, their families and communities and is contributing to multi-generational and inter-generational trauma. Adequate policing; community safety measures; a culturally responsive, racism-free criminal justice system; individual and family counselling; and trauma-informed therapy and treatment must be part of the solution.

The inquiry also needs to examine root causes and the social and economic conditions that lead to family violence, child abuse and intimate partner violence. The inquiry should highlight effective crime prevention, victim services, offender rehabilitation and reintegration methods for Indigenous populations, including those that are appropriate for the unique conditions in small, remote, northern communities and in urban Aboriginal environments.

**"I keep telling my story because I want things to be better for Inuit women."**

**Charlotte Wolfrey, Rigolet, Nunatsiavut**

The inquiry should investigate:

- the circumstances, systems responses, broad impacts and outcomes of missing and murdered Inuit women in all four Inuit regions and urban centres;
- the far-reaching implications for victims, their families and communities, including multi-generational and inter-generational trauma;
- the problems and solutions related policing, safety, the criminal justice system, and counselling therapy services;
- root causes and the social and economic conditions that lead to family violence, child abuse and intimate partner violence; and
- effective crime prevention, victims services, offender rehabilitation and reintegration methods.

## **Participants**

It was clear from this pre-inquiry consultation that families and survivors of missing and murdered Indigenous women should be front and centre in the fact finding mission of the inquiry. Their voices and testimony are critical to the substance and the credibility of the process. Only by listening to and documenting real life experiences can the inquiry hope to understand the nature of these crimes, the long-term effects on family and community members, and the changes needed to prevent violence against Indigenous women and girls. There should be equal representation of families from each of the Inuit regions involved in the inquiry.

However, the families involved in the pre-inquiry consultation had differing opinions on who else should participate. Some felt that commissioners should only hear from families while others would include testimony or submissions from Inuit organizations, community groups and services, governments and anyone impacted by the issues identified in the inquiry's mandate. Some participants saw the involvement of the provinces and territories as essential so the inquiry could make recommendations directed to them (e.g., in the areas of policing, and health and social services).

The inquiry:

- should have families and survivors front and centre of the fact finding process;
- might also include testimony or submissions from Inuit organizations, community groups and services, governments and anyone impacted; and
- involve provinces and territories so that recommendations can be directed toward them.

**"I have had four young women close blood relatives that have been murdered, all outside of our community. Their children are still suffering because of their untimely death and the brutal way they were killed... I was 22 years old when I started speaking out for women and children against violence and I will continue to do so as long as I shall live."**

**Annie Buchan, Cambridge Bay, Nunavut**

**"My sister was murdered, her body was thrown into a lake and has never been recovered."**

**Anna Angutigirk, Salluit, Nunavik**

## **Involving and Supporting Families**

After four days of discussion on these very painful and tragic occurrences, families and organization delegates acknowledged the value in telling these stories publicly and making sure Canadians are aware of the full effects of violence and trauma in Indigenous communities. Equally important is that no further harm is done to families and survivors of violence. While the truth-telling process can be healing, it also can reignite memories and cause pain.

At the least, meeting participants stated that it is not enough for the inquiry to "do no harm and not re-victimize," but should do everything possible to support families and survivors, before, during and long after their involvement. They advised the inquiry to set up support services such as local trauma-informed counselling and regional or national help lines (available in the regional Inuit language dialect) well ahead of hearings and publicize these well. Counselling supports needs to address immediate and long-term trauma, or as one participant put it, "don't open wounds and leave."

Participants tried to imagine what an inquiry whose aim was healing would look like. Ideas included holding hearings on the land, and providing a wide variety of means for participants to tell their stories and be supported by traditional healers and counsellors.

Another way to support families is to minimize travel distances and difficulties. Examples were provided of the rushed nature of travel to some of the pre-inquiry consultations, long layovers and difficulties in changing travel bookings. The inquiry needs to be aware that air travel in the North is very different from that in the south: plan well in advance working with people experienced with coordinating northern travel,

hold regional meetings so participants do not need to travel long distances from home, and fund at least two family members to travel together.

In addition to making presentations and testifying at the inquiry, meeting participants suggested that an advisory committee of family representatives be created to provide ongoing direction and advice to commissioners.

The inquiry can support and involve family members by:

- providing local, trauma-informed counselling before, during and long after the hearings;
- supporting counselling that addresses short- and longer-term trauma, in regional Inuit language dialects;
- developing other ways for the inquiry process to promote healing;
- minimizing travel distances and difficulties for families; and
- setting up an advisory committee of family representatives to provide ongoing direction and advice.

## Hearings

**"Inuit treat everybody the same. We help everybody. My sister loved children, she helped people, homeless people, and others."**

**Sarah Nowrakudluk, Inukjuaq, Nunavik**

Pre-inquiry meeting participants had several suggestions for setting up the hearings where testimony could be given. Firstly, the inquiry needs to use multiple methods of communicating about the inquiry and the hearings well in advance of scheduled appearances. It should enlist communicators who are trusted by Inuit, e.g., regional or provincial/territorial Inuit organizations. These organizations also should take responsibility for coordinating regional hearings.

Presenters should be given choices about how they will give evidence – in an open meeting, in a private meeting with commissioners, by written submission, video conferencing or videotape. Hearings should be set up as a circle, with families/presenters and commissioners in the inner circle and supporters/organizations behind them. Ideally, families should be able to choose where they appear – they may not want to give testimony in their home community.

Family representatives and organizational delegates had mixed opinions on whether media should be present at hearings. Some thought that media can bring needed attention and recognition to the issues, while others felt that it also can distort stories, infringe on privacy and inhibit presenters.

Finally, concern was expressed for commissioners and inquiry staff present at the hearings. Practices should be developed to reduce vicarious trauma and to promote self and mutual care, especially while travelling.

Hearings should:

- use multiple methods to communicate about the inquiry and its hearings;
- enlist Inuit organizations to communicate about and coordinate regional hearings;

- provide choices to participants in where and how they provide their evidence, including open and closed meetings and written or audiovisual formats;
- set up the hearings in a circle;
- give further thought as to whether media should be present at hearings; and
- develop practices to minimize vicarious trauma among commissioners and staff.

## Research and Submissions

Meeting participants identified the need for a research component to the inquiry with adequate resources to investigate and document issues identified by the commissioners in collaboration with Indigenous organizations.

They also supported an open call for written or audio-visual submissions from interested parties.

The inquiry should include:

- an adequately resourced research component;
- identification of research topics in collaboration with Inuit partners; and
- an open call for submissions from interested parties.

**"I go to many First Nations, Inuit and Métis gatherings. I respect their ceremonies and they respect mine. We need to use our symbols [like the qulliq] and educate others about them."**

**Sally Webster, Elder, Ottawa**

## Cultural Practices and Ceremonies

There was broad agreement that Inuit symbols and ceremonies be incorporated into the inquiry's work in general, and all public gatherings, no matter what location (Inuit live throughout Canada). They suggested that the *qulliq* – the Inuit soapstone lamp, representing the female – be lit at each hearing. Another appropriate symbol is the Inuit drum, representing the male. Each hearing should incorporate an opening and closing prayer by an Inuk elder. Inuit values and principles such as mutual respect and treating everyone equally (including commissioners) also should be applied in inquiry activities.

Ways to include Inuit symbols and ceremonies in inquiry activities include:

- lighting a *qulliq* and displaying an Inuit drum, and have an Inuk elder say an opening and closing prayer at all public gatherings; and
- applying Inuit values such as mutual respect and treating everyone equally.

## **Commitment to Change**

**"[The inquiry process] can be central to discovering new information. But we can't let recommendations sit on a shelf. It is very positive that we are active in the preparation phase of the inquiry so as to ensure that the end result is action."**

**Qajaq Robinson, Vice-President,  
Tungasuvvingat Inuit, and lawyer, Ottawa, Ontario**

Family members and organization delegates felt very strongly that the inquiry into missing and murdered Indigenous women and girls must result in change. There was open discussion about the amount of resources it will take to conduct a high quality and thorough inquiry. There is some concern that the use of resources for this purpose instead of investing directly in community initiatives to reduce violence may result in little change.

In order for these resources to be well spent, the inquiry must result in concrete, measurable change at the systemic, community and family levels. One way to increase prospects for success is to include key institutions and organizations (e.g., RCMP and other police services; federal criminal justice representatives; and Indigenous, federal, provincial and territorial governments) in the process, as full partners in change. A commitment to jointly creating solutions is one way to ensure that this inquiry creates lasting change.

This inquiry can increase its impact and opportunities for lasting change by:

- involving key institutions and organizations as partners in the process from the beginning.

## **Communicating Results**

**"I understand what it is to lose a mother and a child. We need to help others understand this."**  
**Micah Arreak, Igloolik, Nunavut**

Public communications about the inquiry should be ongoing throughout and after its tenure. Meeting participants spoke of the importance of reporting regional/community hearing results back to communities and participants, as well as "forward" to the national inquiry.

Inuit inquiries and commissions have shared results and further engaged communities by broadcasting testimony on the radio, and sending out reports on CDs to be played on community radio. Similarly, the final report and recommendations of the inquiry should be broadly promoted and made available to relevant bodies and the Canadian public. Summaries should be translated into Inuit language dialects.

The inquiry should communicate results:

- throughout and after the inquiry and through a variety of means including northern radio;
- both back to communities and participants, and forward to the national inquiry;
- broadly to relevant bodies and the Canadian public; and
- through summaries translated in Inuit language dialects.

## **Roles and Responsibilities**

Those participating in the pre-inquiry meeting urged the three Inuit organizations - Inuit Tapiriit Kanatami (representing the four Inuit regions), Pauktuutit Inuit Women of Canada (representing Inuit women) and Tungasuvvingat Inuit (representing urban Inuit) - to work closely together in providing joint recommendations on the composition, mandate and structure of the inquiry. They also made suggestions for roles and responsibilities of Inuit organizations during the inquiry.

**"This meeting has been a long time coming. It is an important step in addressing the issues of violence against Inuit women and girls."**

**Rebecca Kudloo, President, Pauktuutit Inuit  
Women of Canada, Baker Lake, Nunavut**

There was general agreement that Pauktuutit maintain a central role during the inquiry as it has a long history of working on violence against women issues and a broad network of women and women's organizations throughout the North. It can ensure that Inuit women's voices continue to be heard. The organization also intends to maintain a website honouring missing and murdered Inuit women and girls, providing a means for families and loved ones to tell their stories and to support each other.

Participants also suggested that Pauktuutit have a role in recommending commissioners, providing support to those presenting at the hearings, coordinating logistics and resources related to the hearings and testimonies, liaising with governments and Inuit organizations, sharing information, and continuing to advocate on the issue.

Inuit Tapiriit Kanatami, the national representative organization, should continue to work with the four Inuit land claim organizations/governments to provide input before and during the inquiry process.

Similarly, Tungasuvvingat Inuit should continue to represent the needs and concerns of urban Inuit, and ensure that urban Inuit communities across the country participate fully in the inquiry.

Organizational delegates and family representatives believe that regional Inuit women's and other organizations should be given the authority and resources to communicate about and coordinate inquiry hearings and presentations by Inuit in their areas.

## **Priority Issues**

Family representatives and organization delegates spent some time discussing priority issues for Inuit that the national inquiry should address. The issues have been grouped into these themes:

1. policing and safety;
2. criminal investigations;
3. the justice system;
4. offender reintegration;
5. health and social services; and
6. crime prevention.

## Policing and Safety

The adequacy of policing resources in small northern communities was a major concern among meeting participants. They believe that the lack of safety and personal security of northern residents would not be acceptable in southern communities, leaving them to think that northerners are "out of sight, out of mind" and treated as "second class."

In smaller communities, RCMP understaffing is a problem. After hours, emergency calls are redirected to detachments in another community. People are at risk because of a lack of police presence, and the absence of other emergency responders. As one delegate put it, "can you imagine calling the police and no one comes? There is no safety in the small communities."

A strong message from the group is that women need to be taken seriously when they are fearful for their safety. Many Inuit communities do not have emergency shelters and women and children do not have the option of leave the community, and therefore live in fear. (Almost all communities are fly in with infrequent and expensive service). However, meeting participants also asked: "Why should women and their children have to leave their home or community, why can't the offender be removed?"

**"My niece was murdered at age 19. They found her body on a golf course. The murder was never solved."**

**Christine Porter, Gjoa Haven, Nunavut**

Meeting participants described situations where women did report violent incidents to the police and said they were in danger and the police took no action. In at least one case they knew of, this resulted in a murder.

Police don't always enforce safety orders (e.g., Emergency Protection Orders in Nunavut – EPOs). The EPOs don't work at all in the small communities because of the proximity of offenders and victims, and the lack of personnel to enforce the orders. There is also a very low level of awareness of legislation intended to protect victims of violence such as Nunavut's *Family Abuse Intervention Act*.

Police and safety issues for the inquiry to address include the need for:

- community resources that reflect the realities of the North;
- 24-hour policing and faster responses;
- trained, local first responders;
- emergency shelters and "safe homes" in each community; and
- enforcement of safety orders.

## Criminal Investigations

**“When my sister went missing in Montreal, my parents couldn’t find out anything about the investigation. They only spoke Inuktitut and they couldn’t afford to travel from their community in the North. They didn’t have any contacts in the city. No one really helped them.”**

**Sarah Nowrakudluk, Inukjuaq, Nunavik**

During missing persons and murder investigations, families may not know what information they have the right to have from police. Investigations often are incomplete as a result of detachments being under-capacity in northern communities, and racism and discrimination in the system. There are clear perceptions that criminal investigations and missing person’s cases are handled differently depending on the race of the victim. Several participants mentioned that suspected murders or suspicious deaths are too often deemed suicides or accidental deaths as a result of inadequate investigations or simply for expediency.

The Canadian *Victim’s Bill of Rights*, which came into force in 2015, guarantees five types of rights for victims of crime in criminal proceedings, the right to: 1) information, 2) protection, 3) participation in the process, 4) use of victim witness statements in sentencing and release, and 5) a complaint process. But delegates observed that most victims and their families don’t know these rights, and need plain language information and individual support to exercise them. The processes for achieving these rights need to be simplified, for example, completing victim witness statements can take a lot of time and are traumatic. One of the delegates commented “services (police, doctors) would be more helpful than paper [if what is on paper isn’t accessible to people].”

Issues related to criminal investigations include the need for:

- better information and support for families during criminal investigations;
- full investigations of all questionable disappearances and deaths, especially when families suspect murder; and
- reopening some past investigations and cases that might have wrongfully been declared accidents or suicides.

## The Justice System

**“When I was an RCMP officer, we would bring the accused forward to court, hearings would get delayed, spouses would often be present at court, still supportive of the accused. The case might be dismissed, or limited information would be heard in court. The couple would end up back together, then later there would be a murder. We need more supports in place early on in the process. We have no real victim services in the north.”**

**Yvonne Niego, Sergeant Rtd., Iqaluit, Nunavut**

Meeting participants described the criminal justice system for Inuit as “broken.” Court processes, sentencing and incarceration are not seen as providing “justice” for victims and families or treatment/rehabilitation for offenders. There is little support for victim’s families during court processes

and sentences can seem inadequate for the severity of the crime. Circuit courts are understaffed, visit communities infrequently and a case can be postponed several times before being heard.

The 1999 Gladue Supreme Court decision, which says that a court must pay particular attention to a person's Aboriginal circumstances when passing sentence, was discussed at a few points in the meeting. While the intent of the decision was to take into account systemic reasons for the offence, there is also to be an accompanying restorative remedy that will address the underlying trauma and colonization impacts of the offender as part of the often shorter sentences. There is a perception among many victims that offenders are only receiving more lenient sentences, which doesn't seem just to victims and families. Wellness programs, substance abuse programs and mental health programs must be culturally and linguistically appropriate and must also simply be available. Without these resources, Gladue sentences are seen to be meaningless and ineffective in relation to Inuit offenders. Victims and their families also would like a bigger role in sentencing.

Justice issues for the inquiry to address include:

- the adequacy of court processes, sentencing, incarceration and offender rehabilitation;
- the nature and effects of racism and discrimination in the system;
- the lack of support for and direct involvement of victims of crime and their families in justice proceedings;
- the inadequacy of circuit courts in the North; and
- fairness in sentencing.

### **Offender Reintegration**

The families of missing and murdered Inuit women expressed concern about offenders returning to the community after serving their sentences. Family members who testified in court against the offender fear retaliation. Victims and families are unaware of their right to be informed about the release of the offender before they leave prison. They also have the right to appear at parole hearings. Overall there is very little awareness of victims' and families' rights to information and to influence release location and parole conditions.

**"I am afraid for my family for when the offender gets out of prison. I don't feel safe."**

**Anna Angutigirk, Salluit, Nunavik**

Offender reintegration also is a concern because offenders return from prison "worse than when they left" and at high risk of reoffending because they receive little or no rehabilitation. Often they are returned to the larger regional centres because the small communities don't have the services in place to support their parole conditions. Without adequate housing and services, they can be a risk to the community.

Issues related to reintegration and relocations include:

- the effectiveness of the prison system in preventing re-offending;
- the lack of adequate supervision, services and support for offenders returning to the community;
- options for victims staying safely in their homes and communities; and
- better approaches to relocating victims and offenders.

## Health and Social Services

**"We know my sister was murdered but the case was closed. My family hasn't healed because there are no services to help us."**

**Sarah Nowrakudluk, Inukjuak, Nunavik**

Meeting participants spoke at length about the lack of basic health, mental health and social services in their communities. Geographical isolation, high service costs, high levels of distress and a lack of local capacity put considerable strains on limited health and social services. The absence of services has a huge impact on violence prevention, intervention, and treatment. Inuit communities are trying to build the capacity that will enable them to address local needs but they need help to do so. Community and regional Inuit associations often lack stable funding for violence prevention and advocacy for victims of crime.

**"[In order to make a difference in women's lives] regional Inuit women's organizations need stable funding."**

**Kim Campbell McLean, Executive Director**

**AnânaauKatiget Tumingit Regional Inuit Women's Association, Nunatsiavut**

Northern communities lack short-term counselling and longer-term, trauma-informed therapy to prevent further tragedies such as murder, suicide and extreme violence, and to support healing for all those affected. While not all victims of abuse and witnesses to violence go on to abuse others, breaking the pattern of multigenerational violence is seen as a key to healthier families and communities. Effective healing programs for women and men and for families are needed, and services should be provided in local dialects of the Inuit language.

The inquiry should investigate health and social services issues for Inuit communities that include:

- service gaps and needs in northern compared to southern communities;
- models for effective trauma-informed short-term counselling and longer-term therapy for Inuit;
- how to develop local capacity for service delivery; and
- proven methods for addressing multi-generational trauma.

## Crime Prevention

**"Loretta Saunders [an Inuk woman murdered in Nova Scotia] was my cousin and I started an awareness campaign in her honour. Indigenous people are reaching out internationally... We need to create a unified voice and involve more youth, they are our next leaders."**

**Holly Jarrett, Ottawa, Ontario**

According to meeting participants, crime prevention is about building awareness about violence against women, empowering youth, creating healthier environments for children and families, promoting healing from trauma, and ensuring northern residents and members of urban Inuit communities feel safe.

Effective prevention also requires an understanding of the historical and contemporary root causes of

violence and abuse, including social and economic conditions, racial discrimination, and cultural loss that lead to family violence, child abuse and intimate partner violence.

The inquiry should examine:

- root causes of and effective prevention and healing strategies related to family violence, child abuse and intimate partner abuse; and
- proven ways for Inuit communities to create awareness of violence against women, empower youth, and build healthier, safer communities.

## **Immediate Priorities for Inuit Violence Prevention and Healing**

Participants in the pre-inquiry stressed the importance of immediate action to reduce violence against Inuit women and girls. There are measures that can be taken now to address the issue while the inquiry is taking place. Pauktuutit Inuit Women of Canada has completed research and consultations in the Inuit regions to create action plans for violence prevention. These regional plans were then consolidated into a national strategy which was presented at the pre-inquiry meeting for discussion and input. Meeting participants were in support of the plan (Appendix A), and offered these priorities for immediate action:

- increased police presence and crisis response teams in Inuit communities;
- funding for an emergency shelter in each community;
- enforcement of victim safety orders;
- translated, plain language materials on legal rights of victims and families;
- increased availability of short-term counselling and longer-term, in-depth trauma-informed therapy for Inuit;
- survivor support groups and a missing and murdered women and girls memorial day;
- funding for proven crime prevention initiatives;
- child sexual abuse prevention and treatment;
- poverty reduction strategies; and
- support for developing multi-sector partnerships.

## Conclusion

In concluding the meeting, families of missing and murdered Inuit women expressed their appreciation for the opportunity to tell their stories and to remember and honour their loved ones. The participants collaboratively and collectively gave a name to inspire and guide to their work on missing and murdered Inuit women and girls: *Nipimit Nanisiniq – Finding Voice*.

Organizational delegates expressed gratitude to family representatives for being a part of the pre-inquiry process, and for wanting to make a difference in other people's lives by speaking out. Participants repeated their hope that the inquiry will truly address Inuit needs and result in concrete, meaningful action.

**"[What happened to us] is tragic and we deal with the pain. We speak through the pain and try to make a difference."**

**Becky Michelin, Board member, Pauktuutit Inuit  
Women of Canada, Happy Valley-Goose Bay, Labrador**



Annex 5  
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FOR INFORMATION

2016-006632

## MEMORANDUM FOR THE MINISTER

### Meeting with Inuit Tapiriit Kanatami: Criminal Justice System Review Update

#### ISSUE

You will be meeting with Mr. Natan Obed, President of the Inuit Tapiriit Kanatami Organization on April 6, 2016. He has expressed an interest in hearing about the Department's plan for the criminal justice system review.

#### BACKGROUND

Your mandate letter directs you "to conduct a review of the changes in our criminal justice system and sentencing reforms over the past decade with a mandate to assess the changes, ensure that we are increasing the safety of our communities, getting value for money, addressing gaps and ensuring that current provisions are aligned with the objectives of the criminal justice system."

During a recent speech (Canadian Bar Association, February 20, 2016) you identified three areas that should be examined by the review:

- that the criminal justice system impacts the more vulnerable segments of our population, and not just Indigenous peoples but also, for example, those with mental health and addiction issues;
- the need to dedicate resources to the "right things," and to rethink what we define as a criminal offence given that most resources currently go to less serious administration of justice offences which disproportionately affect the vulnerable; and
- the need to have a criminal justice system that can respond to our rapidly changing world, and is relevant to Canadians.

This review will also include an examination of mandatory minimum penalties to ensure they are in accordance with the fundamental principles of sentencing, including that sentences reflect the severity of the crime.

#### CONSIDERATIONS

Mr. Natan Obed, President of the Inuit Tapiriit Kanatami Organization, hosted a meeting with Inuit leadership and the Prime Minister on January 26, 2016. Mr. Obed subsequently wrote to the Prime Minister noting that progress on the serious social and economic challenges facing Inuit Nunangat peoples can be improved by "rethinking" the way in which Inuit participate in setting the national agenda. There may be some natural linkages here as you have also referred to the

criminal justice review and the type of reform you would like to achieve as a rethink of our current approach.

The work on the review, although in the nascent stage, has already begun. The Department has tasked a small team to coordinate efforts across the Department and to work closely with federal, provincial, and territorial colleagues, including stakeholders and Canadians.

There will be a significant engagement and consultations component of the criminal justice system review. You have had a preliminary discussion with departmental officials on the possibility of holding a “roundtable consultation,” which could be a precursor to the establishment of a Minister’s Advisory Council to advise on the sequencing of possibilities relating to the conduct of the criminal justice review.

## **CONCLUSION**

You may wish to emphasize that the criminal justice system review will be evidence and principles based. Input and feedback from partners across the criminal justice system and beyond, reflecting a diversity of perspectives, will be critical to any success.

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Annex 6  
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FOR INFORMATION

2016-006632

## MEMORANDUM FOR THE MINISTER

### Meeting with Inuit Tapiriit Kanatami: Domestic Violence

#### ISSUE

Inuit Tapiriit Kanatami has requested information on how the Department is “moving forward” on your mandate letter direction to “toughen criminal laws and bail conditions in cases of domestic assault, with the view of keeping survivors and children safe.”

#### BACKGROUND

The Platform commitment on preventing domestic violence and sexual assault contains the following proposals for criminal law reform: imposing a reverse onus on bail for those with previous convictions of intimate partner violence; specifying that intimate partner violence be considered an aggravating factor at sentencing; and increasing the maximum sentence for repeat offenders.

In your mandate letter, you are asked to strengthen criminal laws and bail conditions in cases of domestic assault, in consultation with the Minister of Status of Women and the Minister of Public Safety and Emergency Preparedness. Other related commitments include launching a national public inquiry into missing and murdered Indigenous women and girls in Canada and developing a comprehensive Federal Gender Violence Strategy that is aligned with existing provincial strategies. Status of Women is leading the development of the Strategy in collaboration with relevant departments, including Justice.

#### *Domestic violence: a shared responsibility*

In Canada, responsibility for preventing and addressing domestic violence is shared between the federal and provincial/territorial governments. The federal government is responsible for the criminal law and provides national leadership and coordination through the Family Violence Initiative (FVI), as well as a number of federal-provincial-territorial (FPT) fora, including the Ad Hoc FPT Working Group on Family Violence and the FPT Working Group on Victims of Crime. At the federal level, project funding under the FVI supports the development, implementation, testing, and assessment of models, strategies, and tools that assist in reducing the prevalence of family violence in Canada and strengthening the ability of the justice system to meet the needs of victims and survivors who are engaged in the justice system. Also, through Justice Canada’s Victims Fund, assistance is available for initiatives and projects designed to support victims of sexual assault.

The provinces and territories (PTs) are responsible for the administration of justice in each of their jurisdictions and have implemented measures to address domestic violence under this power. Other key players include municipal governments, First Nations, and non-government organizations (NGOs), including shelter associations and community-based organizations. All PTs have victim services, shelters, services for children exposed to domestic violence, and offender treatment programs. Most PTs have civil domestic/family violence legislation, dedicated domestic violence courts, as well as family violence action plans and prevention campaigns.

#### ***Existing legislative framework: substantive offences***

Domestic violence is a crime in Canada and is caught by a wide range of *Criminal Code* offences, including assault (sections 266 to 268), sexual assault (sections 271 to 273), uttering threats (section 264.1) and criminal harassment (section 264). The *Criminal Code* requires certain circumstances to be considered aggravating factors for the purpose of sentencing, including evidence that the offender, in committing the offence, abused the offender's spouse or common-law partner (paragraph 718.2(a)(ii)).

Canada's approach to domestic violence is based on recognizing its seriousness; police and prosecution policies in all Canadian jurisdictions assist in ensuring that domestic violence is treated as seriously as stranger violence by requiring charges to be laid where there are reasonable grounds to believe an offence has been committed and pursuit of prosecutions where there is a reasonable prospect of conviction.

#### ***Existing legislative framework: bail***

After an arrest, police may decide to release the accused with or without conditions (subsection 499(2)). If not released, the accused is brought before a justice for a bail hearing. The accused will be detained if any of the specific grounds to justify detention pending trial are made out (i.e., if necessary to ensure the accused appears in court, for protection of the public, or to maintain confidence in the administration of justice, subsection 515(10)). The onus to demonstrate why the accused should be denied bail is usually part of the Crown's burden. In a number of limited situations, the *Criminal Code* provides for a reverse onus, whereby the accused has the burden of proving that detention is not justified.

If the accused is released, conditions that can be imposed include that the accused must: remain within the jurisdiction; abstain from communicating with the victim; or comply with any condition considered necessary to ensure the safety and security of any victim or witness or any other reasonable condition (subsection 515(4)). The *Criminal Code* also provides that where a person is charged with an offence involving violence, the justice must order a condition not to possess weapons, unless the justice considers that it is not required in the interests of safety (subsection 515(4.1)).

s.21(1)(a)



## **CONSIDERATIONS**

As policy development is in progress, little information on the advancement of the Government's commitments in respect of domestic violence can be shared publicly.

Inuit Tapiriit Kanatami may, however, be interested to know that a strong legislative framework exists to protect victims of domestic violence and that implementation of the Government's commitments is ongoing.

## **CONCLUSION**

When you meet with Inuit Tapiriit Kanatami, you may wish to reassure them that the Department is working on implementing the Government's commitment to toughen criminal laws and bail conditions in cases of domestic assault.

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Annex 7  
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2016-006632

## Talking Points

### Criminal Justice System Review

- **There is no question that a review of the criminal justice system is a significant undertaking, but is long overdue.**
- **It is my hope that this review will provide a foundation for moving forward in addressing some of the most challenging issues facing the criminal justice system today.**
- **Although I am seized with the urgency to act quickly and to deliver meaningful results, we need to be thoughtful about this review.**
- **We have tasked a small team within my department to coordinate our efforts. The work is underway but is very much in the nascent stage.**
- **There are three areas that the review will examine, and certainly others will arise as the work moves forward.**

- Firstly, we need to look at the vulnerable populations and where and how they intersect with the criminal justice system. We know that the system impacts the more vulnerable segments of our population, and not just Indigenous peoples, but also, for example, those with mental health and addiction issues.
- Secondly, we need to ensure that we are dedicating resources to the “right things,” and to rethink what we define as a criminal offence, given that most resources currently go to less serious administration of justice offences, which disproportionately affect the vulnerable.
- Lastly, we need to have a criminal justice system that can respond to our rapidly changing world, and is relevant to Canadians and the criminal justice review is an opportunity to ensure that the criminal justice system is keeping pace with technological and societal change.
- This review is a real opportunity, to change the system and to better align it with the needs and values of all Canadians.

- I can tell you that there will be a significant consultation and engagement component of this review. These activities, I hope, will be broad-reaching in terms of scope.
- Success is only going to be with a collaborative effort across the system, one that includes all stakeholders, both traditional and non-traditional, provincial and territorial partners, as well as Canadians.

### Domestic Violence

- Our government has committed to strengthening criminal laws and bail conditions in cases of domestic assault with the goal of keeping survivors and children safe.
- My officials are working on implementing this commitment as a priority, in collaboration with relevant federal, provincial, and territorial partners, given that responsibility for Canada's criminal justice system is shared between the federal and provincial/territorial governments.
- In the meantime, I note that the criminal law comprehensively prohibits domestic violence and

**appropriate conditions can be imposed on those accused of domestic violence-related offences, who are released on bail.**

- **Such conditions include: abstaining from communicating with the victim; surrendering firearms; and any other condition considered to be necessary to ensure the safety and security of any victim or witness.**
- **Also, through the Federal Family Violence Initiative and Justice Canada's Victims Fund, assistance is available for initiatives and projects designed to support domestic violence victims.**

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NUMERO DU DOSSIER/FILE #: 2016-006699  
COTE DE SECURITE/SECURITY CLASSIFICATION: Protected B

**TITRE/TITLE: Meeting with the Special Advisor to the Minister on Wrongful Convictions**

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- You are scheduled to have a courtesy meeting with your Special Advisor on Wrongful Convictions, Mr. Bernard Grenier, on April 7, 2016, at 8:30 a.m.
- Mr. Grenier, a retired judge of the Quebec Court, was appointed as Special Advisor to the Minister on Wrongful Convictions in November 2003 and is the only individual to hold this position.
- The Special Advisor provides separate and independent advice to the Minister on the merits of applications submitted under section 696.1 of the *Criminal Code* to review alleged miscarriages of justice.
- The policy decision to create this position was designed to appease those stakeholders calling for a completely independent conviction review process.

Soumis par (secteur)/Submitted by (Sector): Criminal Conviction Review Group

Responsable dans l'équipe du SM/Lead in the DM Team: Caroline Leclerc

Revue dans l'ULM par/Edited in the MLU by: Matt Ignatowicz

Soumis au CM/Submitted to MO: April 4, 2016



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2016-006699

## MEMORANDUM FOR THE MINISTER

### Meeting with the Special Advisor to the Minister on Wrongful Convictions

#### ISSUE

You have scheduled a courtesy meeting with your Special Advisor on Wrongful Convictions, Mr. Bernard Grenier, on April 7, 2016, at 8:30 a.m. Mr. Grenier, a retired judge of the Court of Quebec Criminal Division, was appointed as Special Advisor to the Minister on Wrongful Convictions in November 2003 and is the only individual to hold this position. In this role, Mr. Grenier provides separate and independent advice on the merits of all applications submitted to you under section 696.1 of the *Criminal Code* to review alleged miscarriages of justice.

#### BACKGROUND

In 1999, the government of the day requested submissions from the provinces, territories, and other stakeholders, including the Association in Defence of the Wrongly Convicted (AIDWYC) and the Canadian Bar Association, as to what type of conviction review process Canada should adopt. While the provinces and territories lobbied for the Minister of Justice to maintain the power to remedy wrongful convictions, the above mentioned stakeholders and others advocated for a completely independent body to investigate and remedy claims of wrongful convictions similar to the Criminal Convictions Review Commission in the United Kingdom.

In 2002, sections 696.1- 696.6 of the *Criminal Code* and the *Regulations Respecting Applications for Ministerial Review – Miscarriages of Justice* were enacted whereby the legislative authority to review and remedy alleged miscarriages of justice remained with the Minister of Justice. These new provisions also provided the Minister with increased powers to compel the attendance of witnesses and summon material, which greatly improved the investigatory powers within the conviction review process. The reviews are carried out by the Criminal Conviction Review Group (CCRG) of the Department of Justice who advises the Minister on the merits of all applications submitted under section 696.1.

In response to the submissions calling for an independent agency, a policy decision was made to create the position of Special Advisor to the Minister on Wrongful Convictions thereby creating a review mechanism by an independent party who was not associated with or working for the Department of Justice, and who would provide separate and independent advice to the Minister on the reviews conducted by the CCRG. There are no legislative requirements for such a position. This policy decision did little to satisfy those stakeholders who continue to call for a completely independent conviction review process.

## CONSIDERATIONS

As this meeting is at your request, no agenda items are outlined in this note.

s.19(1)



s.21(1)(a)



## CONCLUSION

As mentioned above, Mr. Grenier is the first and only appointment to the position of Special Advisor to the Minister on Wrongful Convictions. He provides separate and independent advice to the Minister on the merits of all applications submitted to the Minister under section 696.1 of the *Criminal Code*.

## ANNEXES

Annex 1: Bernard Grenier's CV

### PREPARED BY

Kerry Scullion

Director and General Counsel

Criminal Conviction Review Group

613-991-8203

**Pages 81 to / à 87  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



Department of Justice  
Canada

Ministère de la Justice  
Canada

SCENARIO  
NUMÉRO DU DOSSIER/FILE #: 2016-006876  
COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected B

TITRE/TITLE: Meeting with Heidi Illingworth, Executive Director of Canadian Resource Centre for Victims of Crime

SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY

- You are scheduled to meet with Heidi Illingworth, Executive Director of the Canadians Resource Centre for Victims of Crime (CRCVC) on April 5, 2016.
- A number of items have been proposed for discussion including; restitution enforcement in cases of fraud, sexual assault and prevention, Time-Limited Operational Funding (TLOF), the Inquiry into Missing and Murdered Indigenous Women, and restorative justice.
- This note and its annexes provide you with background information on the CRCVC's positions on these topics, as well as more detailed background information on restitution enforcement, sexual assault, and TLOF.
- As the CRCVC was a recipient of TLOF from 2012-2013 to 2015-2016, and that funding has been terminated effective April 1, 2016, [redacted]

s.21(1)(a)

Soumis par (secteur)/Submitted by (Sector):

Policy Sector

Responsable dans l'équipe du SM/Lead in the DM Team:

Caroline Leclerc

Revue dans l'ULM par/Edited in the MLU by:

Sarah McCulloch

Soumis au CM/Submitted to MO:

000088



Department of Justice  
Canada

Ministère de la Justice  
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SCENARIO

2016-006876

## MEMORANDUM FOR THE MINISTER

### Meeting with Heidi Illingworth, Executive Director of Canadian Resource Centre for Victims of Crime

#### ISSUE

On Tuesday, April 5<sup>th</sup>, you are scheduled to meet with Heidi Illingworth, Executive Director of the Canadians Resource Centre for Victims of Crime (CRCVC). This note and its annexes provide information and talking points on a number of issues that may arise in this meeting.

#### BACKGROUND

Ms. Illingworth currently serves as the Executive Director of the CRCVC, and has been employed with the Centre since 1999. She currently sits on the Program Advisory Committee for Algonquin College's Victimology Graduate Certificate Program, the Ontario Region Victim Advisory Committee to the Correctional Service of Canada (CSC), and on the Parole Board of Canada (PBC).

The CRCVC was established in 1993 and is a not-for-profit corporation which advocates on behalf victims and survivors of serious crime in Canada. The CRCVC also provides services to victims by assisting them in their interaction with post-trial agencies such as CSC and PBC, provincial review boards, and financial or other compensation programs. The Department of Justice has provided funding for a number of CRCVC initiatives in the past, including through the Time-Limited Operational Funding (TLOF); the CRCVC has received nearly \$700,000 from the Victims Fund since 2006.

The current agenda for your discussion with Ms. Illingworth includes a number of items, listed in brief below and in more detail in the attached annexes. Suggested talking points are provided at Annex 4.

#### AGENDA ITEMS

##### *Restitution enforcement in cases of fraud*

In February, 2016 you and the Minister of National Revenue received a letter from the CRCVC regarding restitution enforcement in cases of fraud, attached at Annex 1. In it, a number of recent cases of financial fraud victimization and the difficulties faced by those victims in restitution enforcement were highlighted. The Centre also called on Justice to take a leadership role on the issue of restitution enforcement. The CRCVC produced a publication called "Helping Victims of Fraud Recover" in January 2016, and also listed financial assistance to victims of crime as one of its priorities for fiscal year 2015-2016, a résumé is included at Annex 1.

### ***Sexual assault***

You were copied on a letter to the Prime Minister, concerning sexual assault, from the CRCVC in March, 2016. A copy of this letter is attached at Annex 2. In it, the CRCVC highlighted persistent issues in underreporting of sexual assault, as well as the difficulties faced by victims and victim-witnesses in navigating the justice system. The Centre called for heightened prevention efforts in education, as well as changes in how police deal with victims of sexual assault. Their letter also called for independent counsel with legal standing in courts to advise complainants directly and represent their interests in court. More information is included at Annex 2.

### ***Time-Limited Operational Funding (TLOF)***

TLOF was specifically directed at victim-serving non-governmental organizations whose programs and activities were aligned with the Federal Victims Strategy and the Victims Fund. From 2012-2013 to 2015-2016, the CRCVC received an average of \$45,000 in TLOF per year. TLOF was terminated effective April 1, 2016. As only \$400,000 was globally available annually, the demand always exceeded available funds. Moreover, a lack of transparency in the funding allocation process created a high level of dissatisfaction. Further information on funding received by the Centre is attached at Annex 3.

### ***Inquiry into Missing and Murdered Indigenous Women (MMIW)***

The CRCVC supports a public inquiry into Missing and Murdered Indigenous Women, and in October 2015 called for a national action plan to end violence against women and children with a minimum of \$500 million in funding.

### ***Restorative justice***

The CRCVC, in a guide developed for victims of crime, explains the principles and process of restorative justice. The CRCVC has stated that, while programs that incorporate restorative justice principles are not suitable for all victims or all crimes, they can provide opportunities for victims to have questions answered that may not be addressed in the conventional criminal justice system.

## **CONCLUSION**

**s.21(1)(a)**

## **ANNEXES**

- Annex 1: Letter from the CRCVC and Restitution enforcement in cases of fraud backgrounder
- Annex 2: Letter from the CRVCV and Sexual assault prevention backgrounder
- Annex 3: Time-Limited Operational Funding backgrounder
- Annex 4: Talking points for meeting with Heidi Illingworth

## **PREPARED BY**

Gillian Blackell

Senior Counsel and Acting Director

Policy Centre for Victims Issues, Policy Sector

613-954-2260

ANNEX 1  
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2016-006876

### Restitution

The *Canadian Victims Bill of Rights (CVBR)*, which came into force on July 23, 2015, established statutory rights in four areas at the federal level for victims of crime. Victims have the right to information, protection, participation, and to seek restitution. The CVBR enshrined a victim's right to have the court consider making a restitution order against the offender in all cases and the right to enforce a restitution order through a civil judgment.

Accompanying amendments to the *Criminal Code* restitution provisions now require sentencing courts to consider imposing a restitution order in all cases, and to provide reasons when restitution is not ordered. The court is required to ask the prosecutor if reasonable steps have been taken to determine if a victim is seeking restitution, and allow for proceedings to be adjourned to allow a victim to establish their losses.

Restitution can cover actual financial losses resulting from bodily or psychological harm, or damage to property caused by the crime. It can also cover bodily or psychological harm caused by the arrest or attempted arrest of the offender. The losses must be readily ascertainable (easy to calculate), available at the time of sentencing and directly related to the offence. The judge can order restitution for any financial losses up to the date of sentencing, but not for any future losses. A judge can order restitution for financial losses due to:

- Damaged or lost property due to the crime;
- Physical injury or psychological harm due to the crime;
- Physical injury due to the arrest or attempted arrest of the offender;
- Costs for temporary housing, food, childcare and transportation due to moving out of the offender's household (this only applies if a victim moved out because they had been physically harmed or threatened with physical harm due to the offence, arrest, or attempted arrest of the offender);
- Costs incurred by a victim of identity theft to re-establish their identity, and to correct their credit history and their credit rating; or
- Costs incurred by a victim to remove a non-consensually posted intimate image from the Internet or digital network.

Victims wishing to seek restitution can use the standardized optional restitution form found in the *Criminal Code* (Form 34.1) and they may speak to their losses and damages in a victim impact statement. The *Criminal Code* was also amended to allow for the restitution order to be payable to a specially designated public authority that is responsible for enforcing the order and paying the amount owing to the victim or victims in order to facilitate payment.

In order to assist the provinces and territories with the enforcement of unpaid restitution orders on behalf of victims, funding is now available to provincial and territorial governments through the Department of Justice's Victims Fund to establish or enhance restitution enforcement mechanisms.

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**Ministerial Correspondence Unit / Unité de la correspondance ministérielle**  
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Document Date / Date du document: 2016-03-09  
Date of Receipt / Reçu le: 2016-03-09

MCU # / # UCM: 2016-005335

Author /  
Auteur: [REDACTED] s.19(1)  
Department of Criminology  
University of Ottawa

Doc Type / Type de Doc: I

Subject / Sujet: 140028  
Criminal Code - Sexual Offences, Public Morals and  
Disorderly Conduct

[REDACTED] Due Date / Date d'échéance:

Sector's Due Date / Date d'échéance du secteur:

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I16-005335  
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140028  
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March 9, 2016

The Right Honourable Justin Trudeau  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON  
K1A 0A2

Dear Prime Minister:

Recent high profile cases highlight the difficulty of prosecuting sexual assault cases in Canada and the myths about how women behave following assaults that permeate society. While official statistics tell us there are 460,000 sexual assaults in Canada every year, we also know that a minuscule amount, only 3 out of every 1,000 cases, will result in a conviction (YWCA Canada). Most perpetrators of sexual violence are not charged, prosecuted or convicted. Worse we know that less than 10% of victims of sexual assault will report their victimization to the police. The criminal justice system is failing women across Canada.

We see from media coverage of high profile cases that it is the victims or complainants who are scrutinized, not the accused. Despite rape shield laws to protect victims from cross examination about their sexual history, we see the victims' conduct after the assault is on trial, instead of the person accused of sexual violence. "Violence against women is not about the behaviour of the women; it is not about how they cope with an assault, or the details they commit to memory in the aftermath any more than it is about what they wore or how much they had to drink" said a victim's lawyer Gillian Hnatiw recently. Yet, the truth of the assault is hidden while defence attorneys attempt to destroy the complainant's credibility in cross examinations.

1. Our adversarial justice system is simply unable to deal adequately with sexual assault and reform is needed. The victims, whose sexual integrity has been violated, should not be placed on trial. We believe sexual assault victims should have independent counsel with legal standing in court to advise the complainant directly and represent their interests directly before the court. Without legal representation, we will continue to see the vilification of the victim in the aftermath of sexual violence and extremely low reporting rates which allows perpetrators to evade justice and continue to be sexual predators.
2. We also call for increased supports outside of the criminal law, supports that will address the victim's needs from her perspective. Provision of support for victims of intimate partner and sexual violence through sexual assault crisis centres (such centres are not easily accessible to victims in rural areas of Canada). Victims should have somewhere to go immediately after an assault or at a later time to explore what she wants to do and get support. This includes everything from nothing to assertiveness training, to counselling, to civil court action, to criminal action. This requires significant increased funding for community-based organizations who provide these services.
3. Prevention is key and funding for proven preventive strategies focused only on violence against women. This must start in schools. Programs proven to be effective such as 4th R -

<https://youthrelationships.org/> and Greendot must become part of school curricula. In our universities and colleges, compulsory courses must deal with sexual violence and encourage bystander intervention. The recommendations coming out of incidents at Canadian universities must be made standard and lessons learned from the high profile White House Task Force - <https://www.whitehouse.gov/blog/2015/04/23/vice-president-biden-marks-sexual-assault-awareness-month-announcing-it-s-us-progres>.

4. We must overhaul how police deal with victims in Canada – particularly the provision of independent support to accompany women when they report to the police. We need significant improvements in gendering police response. Ban Ki Moon recently told you, Prime Minister, to include more female police officers when Canada sends police to countries in conflict with large numbers of rapes of women. We believe this is needed within Canada too. We call on Canada to implement the International Association of Chiefs of Police recommendations around how police should deal with all victims. More funding is needed for community-based victim assistance partners in delivering supports to victims.

We look forward to your response and working together to better address and respond to sexual violence and survivors in Canada.

Sincerely,

s.19(1)

*Heidi Illingworth*

	Heidi Illingworth
Full Professor, Department of Criminology, University of Ottawa	Executive Director, Canadian Resource Centre for Victims of Crime

Cc      The Honourable Jody Wilson-Raybould, P.C., M.P., Minister of Justice & Attorney General  
The Honourable Ralph Goodale, P.C., M.P., Minister of Public Safety & Emergency Preparedness  
The Honourable Patty Hadju , P.C., M.P., Minister of Status of Women  
The Honourable Jane Philpott, P.C., M.P., Minister of Health

## Ministerial Correspondence Unit - Justice Canada

**From:** Wilson-Raybould, Jody - M.P. <Jody.Wilson-Raybould@parl.gc.ca>  
**Sent:** March 09, 2016 10:58 AM  
**To:** Ministerial Correspondence Unit - Justice Canada  
**Subject:** FW: Letter copied to the Minister  
**Attachments:** Trudeau\_sexual violence\_March2016.pdf

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**From:** Heidi Illingworth [mailto: [REDACTED]@crcvc.ca]  
**Sent:** March 9, 2016 10:49 AM  
**To:** Wilson-Raybould, Jody - M.P.  
**Subject:** Letter copied to the Minister

s.19(1)

Please find attached a letter copied to Minister Wilson-Raybould regarding sexual violence in Canada.

Heidi Illingworth  
Executive Director | Directrice exécutive  
Canadian Resource Centre for Victims of Crime  
Centre canadien de ressources pour les victimes de crimes  
100 - 141 rue Catherine Street  
Ottawa, ON K2P 1C3  
Tel: 613-233-7614  
Fax: 613-822-4904  
Toll free: 1-877-232-2610  
Email: [REDACTED]@crcvc.ca  
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Date of Receipt / Reçu le: 2016-02-08

MCU # / # UCM: 2016-002945

Author / Auteur: Ms. Heidi Illingworth  
Executive Director

Doc Type / Type de Doc: D

Canadian Resource Centre for Victims of Crime  
100-141 Catherine Street  
Ottawa ON K2P 1C3

Subject / Sujet: 170005  
Legal Aid and Compensation - Victims of Crime

@crcvc.ca s.19(1)

Due Date / Date d'échéance: 2016-03-22

Sector's Due Date / Date d'échéance du secteur:

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Assigned Date / Assigné le: 2016-02-09

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CENTRE CANADIEN DE  
RESSOURCES POUR LES  
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170005

Summary Report  
Att.

CANADIAN RESOURCE  
CENTRE FOR VICTIMS  
OF CRIME



"Dedicated to Justice" • «Au service de la justice»

February 08, 2016

The Honourable Jody Wilson-Raybould, P.C., M.P.	The Honourable Diane Lebouthillier, P.C., M.P.
Minister of Justice & Attorney General	Minister of National Revenue
House of Commons	7th Floor, 555 MacKenzie Avenue
Ottawa, Ontario K1A 0A6	Ottawa ON K1A 0L5

Dear Ministers:

The Canadian Resource Centre for Victims of Crime (CRCVC) is a non-government organization that works with persons harmed by serious crime across Canada and strives to ensure the equitable treatment of crime victims. We have recently been contacted by three victims of investment fraud who have been unable to enforce and/or collect their restitution orders:

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While the *Criminal Code* and civil actions can be used to find a person guilty of fraud or theft and order the fraudster to pay restitution to the victims, the restitution orders are useless unless the thief wishes to pay back his victims. [REDACTED] cannot enforce the civil restitution order without assistance from the government. Victims should not have to spend more money (after being defrauded thousands) to hire private investigators to try to access hidden bank accounts of fraudsters or their financial records. Victims need to be able to search for financial records, personal property records and ask employers for work and financial records of employment. If there is a conviction and a restitution order, victims should have the right to this information. Governments are currently protecting the privacy of convicted fraudsters, rather than assist victims in achieving financial recovery.



100-141, rue Catherine Street, Ottawa, Ontario K2P 1C3

Tel: (613) 233-7614 • Fax: (613) 822-4904 • Toll free/Sans frais: 1-877-232-2610 • Internet: [www.crcvc.ca](http://www.crcvc.ca)

CANADIAN RESOURCE  
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CENTRE CANADIEN DE  
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s.19(1)

Given that the *Canadian Victim Bill of Rights* now provides victims with the right to seek restitution, both provincial and federal justice officials should actively pursue offenders to ensure they are held fully accountable for the losses they've caused. The payment of restitution to victims should be an integral aspect of an offender's incarceration, eventual parole and release until the monies are repaid. Fraudsters must be held accountable for their restitution obligations, even after their sentence has expired.

Once restitution has been ordered in civil or criminal court, it should not be up to the victim to spend valuable time, money and further resources chasing down the offender for funds that are rightfully theirs. It is necessary for agents of the state to monitor payments of offenders in the justice system to deter them from committing fraud in the future. If offenders know they are able to evade restitution despite a court order, there is nothing stopping them from committing the same crimes over and over.

We are asking you to take a leadership role on the issue of restitution enforcement in Canada. Having a judge order restitution for a victim is only the first step; actively enforcing this order is the next and more crucial step. Victims must not be left on their own to enforce such orders, adding to their financial losses. Offenders must be made to fulfill all aspects of their sentence and this includes the full payment of restitution to the victim where it has been ordered. Successfully collecting restitution for victims can be a way to measure the success of Canada's justice and correctional systems.

Our justice system fails if we do not help victims of fraud and theft recuperate the financial losses that are a result of deliberate criminal acts. We must help all victims achieve financial recovery and hold these fraudulent criminals responsible when restitution is ordered. We look forward to your response.

Sincerely,

s.19(1)

Heidi Illingworth  
Executive Director

100-141, rue Catherine Street, Ottawa, Ontario K2P 1C3  
Tel: (613) 233-7614 • Fax: (613) 822-4904 • Toll free/Sans frais: 1-877-232-2610 • Internet: [www.crcvc.ca](http://www.crcvc.ca)

**Ministerial Correspondence Unit - Justice Canada**

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**From:** Wilson-Raybould, Jody - M.P. <Jody.Wilson-Raybould@parl.gc.ca>  
**Sent:** 2016-Feb-08 3:06 PM  
**To:** Ministerial Correspondence Unit - Justice Canada; MacKenzie, Lea  
**Subject:** FW: letter for the Minister  
**Attachments:** Wilson-Raybould\_investment fraud\_Feb2016.pdf

**Importance:** High

---

**From:** Heidi Illingworth [mailto: [@crcvc.ca](#)]  
**Sent:** February 8, 2016 1:34 PM  
**To:** Wilson-Raybould, Jody - M.P.  
**Subject:** letter for the Minister  
**Importance:** High

Please find attached a letter for the Minister regarding restitution.

Heidi Illingworth  
Executive Director | Directrice exécutive  
Canadian Resource Centre for Victims of Crime  
Centre canadien de ressources pour les victimes de crimes  
100 - 141 rue Catherine Street  
Ottawa, ON K2P 1C3  
Tel: 613-233-7614  
Fax: 613-822-4904 s.19(1)  
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ANNEX 2  
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2016-006876

### Sexual Assault

The *Criminal Code* prohibits sexual assault in all its forms. It also creates definitions and procedures designed to protect the complainant and abrogates antiquated rules of evidence that were applicable only in the context of sexual assault trials:

- Section 273.1 defines consent for the purposes of the sexual assault provisions as “the voluntary agreement of the complainant to engage in the sexual activity in question” and provides a list of circumstances in which no consent is obtained;
- Section 273.2 limits the accused’s ability to advance a defence of mistaken belief in consent (i.e., not where the belief arose from the accused’s self-induced intoxication, recklessness or wilful blindness, nor where the accused failed to take reasonable steps to ascertain consent);
- Section 274 abrogates the common law rule that required corroboration of the complainant’s testimony in sexual violence trials;
- Section 275 abrogates the common law rule that required evidence of “recent complaint” before a person accused of sexual violence could be convicted;
- Sections 276 to 276.5 limit the accused’s ability to bring forward evidence of the complainant’s past sexual activity to put into question her or his credibility and creates a special procedure where the accused wishes to adduce such evidence;
- Section 277 stipulates that evidence of the complainant’s sexual reputation is inadmissible for the purposes of either challenging or supporting the credibility of the complainant;
- Section 278 clarifies that a spouse may be charged with sexually assaulting his/her spouse; and,
- Sections 278.1 to 278.91 create a special regime to be followed in cases where the accused wishes to admit the complainant’s private records as evidence.

There are also a number of provisions in the *Criminal Code* that can make it easier for vulnerable victims such as victims of sexual assault to testify in criminal justice proceedings. Victims and witnesses may testify behind a screen or outside the courtroom by closed-circuit television so that they do not have to see the accused. They may also have a support person close by when they testify. These testimonial aids will be ordered for adult witnesses if the Court believes it would make it easier for the victim or witness to testify fully and honestly or to serve justice. The Court will consider factors such as the witness’ age, the nature of the offence, the nature of any relationship between the witness and the accused, and whether the testimonial aid is needed for the witness’s security. These testimonial aids will be ordered upon application for victims and witnesses under the age of eighteen years unless the court believes it would interfere with the proper administration of justice.

When the accused is self-represented, the court may appoint counsel to conduct the cross-examination of a victim or witness. For witnesses under the age of eighteen years and victims of criminal harassment, sexual assault, sexual assault with a weapon or aggravated sexual assault, the court must order the appointment of counsel when it is sought unless he or she

believes it would interfere with the administration of justice. The court may also appoint counsel to conduct the cross-examination of other vulnerable witnesses if it would allow the witnesses to give full and candid testimony or would otherwise be in the interests of the administration of justice. The Court will consider factors such as the witnesses' age, the nature of the offence, the nature of any relationship between the witnesses and the accused, and whether the order is needed for the witnesses' security or to protect them from intimidation or retaliation. Under the *Canadian Victims Bill of Rights* (CVBR), victims of crime have the right to have reasonable and necessary measures taken to protect them from intimidation or retaliation.

The *Criminal Code* also requires courts to order, upon application, a publication ban on any information that could identify a victim of any offence under the age of eighteen years, victims of sexual offences and witnesses under the age of eighteen years in sexual offence proceedings.

Victims of sexual violence have standing and may be represented by counsel during private records application hearings. However, the CVBR specifically indicated that it did not grant victims legal standing in the criminal justice system.

ANNEX 3  
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2016-006876

**Time Limited Operational Funding Program**

Time-limited Operational Funding (TLOF) was specifically directed at victim-serving non-governmental organizations whose programs and activities were aligned with the Federal Victims Strategy (FVS) and the Victims Fund. The TLOF, which was introduced in 2012, was designed to help organizations maintain services by covering operational expenses (such as payroll, office space rental, and limited capital expenditures) to enable them to focus on delivering victim services. The maximum amount per year, per recipient was \$75,000 for a renewable two year funding period.

TLOF was terminated effective April 1, 2016. As only \$400,000 was available annually, the demand always exceeded available funds. The TLOF funding component was very inefficient and created difficulties in justifying why the limited number of organizations receiving financial support merited funding over and above the other applicants. As a result of the lack of transparency, a high level of dissatisfaction with the process was created. To ensure fairness for all non-governmental organizations in accessing available funds under the Victims Fund, the TLOF component was terminated. Terminating TLOF serves as a good example of the Budget 2016 commitment to better align government spending with priorities. Non-governmental organizations can continue to apply for project funding, which could include operational expenditures related to the project.

Previous funding to the CRCVC under TLOF is provided in table below.

Annual TLOF Funding to CRVCV, 2012-2016	
Fiscal Year	Amount
2012/2013	\$50,000.00
2013/2014	\$50,000.00
2014/2015	\$40,000.00
2015/2016	\$40,000.00
Total	\$180,000.00

**Talking Points**  
**Meeting with Heidi Illingworth**  
**Executive Director, Canadian Resource Centre for Victims of**  
**Crime, April 5, 2016**

- It's a pleasure to meet you and learn about the work that Canadian Resource Centre for Victims of Crime has been undertaking.

**Restitution:**

- While I appreciate your concerns with respect to the difficulties of victims, in particular victims of fraud, to enforce restitution orders, a mechanism for the enforcement of restitution orders at the federal level is not possible given the division of powers between the federal, provincial, and territorial governments.
- In order to assist the provinces and territories with the enforcement of unpaid restitution orders on behalf of victims, funding is now available to provincial and territorial governments through the Department of Justice's Victims Fund to establish or enhance restitution enforcement mechanisms.

- The Department of Justice is taking an active role in working with the provinces and territories to encourage information sharing among jurisdictions on effective enforcement mechanisms as some jurisdictions have developed models that can be shared with others.

### *Sexual Assault*

- The *Criminal Code* sexual assault provisions, both substantive offences and procedural rules and protections, have evolved over time in response to ongoing concerns about the criminal justice system's treatment of sexual assault complainants, disproportionately women and girls.
- Addressing the needs of victims and survivors of crime including victims of abuse while at the same time protecting fundamental human rights is a priority for the Government.

### *Time Limited Operational Funding*

- Time Limited Operational Funding (TLOF) was terminated effective April 1, 2016.

The demand for this component of the Victims Fund consistently exceeded the available funds. The TLOF funding component was also difficult to justify since only a limited number of organizations benefited. To ensure fairness for all non-governmental organizations in accessing available funds under the Victims Fund, the TLOF component was terminated.

- Non-governmental organizations can continue to apply for project funding, which could include operational expenditures related to the project.